THE HYDERABAD DISTRICT MUNICIPALITIES ACT, 1956.

No. XVIII of 1956.

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THE HYDERABAD DISTRICT MUNICIPALITIES ACT, 1956.

Act XVIII of 1956.

(Received the assent of the President on 9th August, 1956; assent first published in the Hyderabad Gazette Extraordinary on the 11th August, 1956).

An Act to re-enact law relating to City and Town Municipalities in the State of Hyderabad.

WHEREAS it is expedient to re-enact the law relating to City and Town Municipalities ; Preamble.

BE it enacted in the Seventh Year of our Republic as follows :—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Hyderabad District Municipalities Act, 1956.

(2) It extends to the whole of the State of Hyderabad except areas legally included within the jurisdiction of Corporations constituted under the Hyderabad Municipal Corporations Act, 1956 (II of 1956) or of any Mines Board of Health or Cantonment, but the Government may extend any or all of the provisions of this Act by a general or special order to any area under the jurisdiction of a Mines Board of Health :

Provided that in so extending any of the provisions of the Act the Government may vary them in such manner as, consistently with the general principles of this Act, it may deem necessary in view of the constitution and special circumstances of Mines Board of Health.

(3) It shall come into force on the date of its publication in the Official Gazette.

2. In this Act unless there is anything repugnant in the subject or context— Definitions.

(1) 'building' includes a house, out-house, stable, latrine, godown, shed, hut, wall, fencing, platform and any other structure whether of masonary, bricks, wood, mud, metal or of any other material whatsoever ;

(2) 'building line' means a line which is in the rear of the street alignment and to which the main wall of a building abutting on a street may lawfully extend ;

(3) 'business' includes any trade, commerce or mafacture or an adventure or concern in the nature of trade commerce or manufacture ;

(4) 'collector' means the Collector of the Revenue District ;

(5) 'committee' means a Municipal or Town Committee established or deemed to be established under this Act:

Provided that for the purposes of any section of this Act which may be extended to a mining area, the Board or other authority established by or under any law to administer such area shall be deemed to be a Committee for the purposes of this Act and such area shall be deemed to be a Municipality for the said purpose.

(6) 'company' means a company as defined in the Indian Companies Act, 1913 (VII of 1913) or formed in pursuance of an Act of Parliament or of an Act of the Legislature of a State and includes any firm or association carrying on business in the State of Hyderabad whether incorporated, or its principal place of business is situate therein, or not ;

(7) 'drain' includes a sewer, tunnel, pipe, ditch, gutter or channel and any cistern, flush, tank, septic tank or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith, and any ejector, compressed air main, sealed sewage main and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place ;

(8) 'drug' means any substance used as medicine whether for internal or external use or any substance used in the composition or preparation of such medicine ;

(9) 'erection or re-erection of any building' includes.—

(i) any material alteration or enlargement of any building ;

(ii) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation ;

(iii) the conversion of one or more places of human habitation into a greater number of such places ;

(iv) the convertion of two or more places of human habitation into a lesser number of such places;

(v) such alteration of a building as would effect a change in its drainage or sanitary arrangements or materially effect its security;

(vi) the addition of any rooms, buildings, outhouses or other structures to any building;

(vii) the conversion by any structural alteration into a place of religious worship or into a sacred building, any place or building not originally meant or constructed for such purpose ;

(viii) roofing or covering on open space between walls or buildings, as regards the structure which is formed by roofing or covering such space ;

(ix) conversion into a stall, shop, warehouse or godown of any building not originally constructed for use as such or **vice versa ;**

(x) construction on a wall adjoining any street or land not vested in the owner of the wall, a door opening on such street or land ;

(l) 'executive officer' means as officer appointed under section 71 or if no Executive Officer is so appointed, the President ;

(11) 'factory' means a factory as defined in the Factories Act, 1948 (LXIII of 1948) and includes any premises as also its precincts wherein an industrial, manufacturing or trade process is carried with the aid of steam, water, oil, gas, electricity or any other, form of power which is mechanically transmitted and is not generated by human or animal agency ;

(12) filth means—

(i) night soil and other contents of latrines, cesspools and drains ;

(ii) dung, dirt, refuse, useless or offensive material thrown out in consequence of any process of manufacture, industry or trade ; and

(iii) purid and putrifying substances ;

(13) 'financial year' means the year begining on the first day of April or such other date as the Government may by notification appoint ;

(14) 'health officer' means the Health Officer of the Committee, and if there is no such officer, the Health Officer of the District ;

(15) 'hut' means any **building** which is constructed principally of wood, mud, leaves, grass, cloth or thatches and includes any temporary structure of whatever size or materials which the Committee may for the purposes of this Act declare to be a hut ;

(16) 'infectious disease' means cerebrospinal fever, chickenpox, cholera, diptheria, enteric fever, epidemic influenza, leprosy, measles, plague, arabis, scarlet fever, small-pox, tuberculosis, typhus, yaws or any other disease which the Government may by notification declare to be prevalent either generally throughout the State or in such part or parts thereof as may be specified in the notification ;

(17) 'inhabitant' includes any person ordinarily residing or carrying on business or occupying immovable property within the municipality;

(18) 'latrine' includes privy, water-closet and urinal;

(19) 'local authority' includes a Municipal Corporation, Municipal and Town Committee, District Board and Cantonment Board ;

(20) 'market' means a place for the sale of goods or animals publicly exposed, where ordinarily or periodically at least four shops, stalls or sheds are set up or where at least twenty-five animals are brought for sale ;

(21) 'member' means a member of the Committe;

(22) 'minister' means the Minister in Charge of the Local Government Department ;

(23) 'municipality' means a City Municipality or Town Municipality established or deemed to be established under this Act;

(24) 'nuisance' includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or of the people in general who dwell in the vicinity or of persons who may have occasion to use any public right ;

(25) 'occupier' includes—

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable ;

(b) a rent-free tenant ;

(c) licensee in occupation of any land or building, and

(d) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(26) "octroi" means a cess levied on goods at the time of their entry into the limits of a Municipality for purposes of consumption, use or sale therein;

(27) 'offensive matter' includes—

(i) filth,

(ii) sewage.

(iii) dirt, house-sweeping, spitting including chewed betel and tobacco, kitchen or stable refuse, pieces of broken glass or pottery, debris and waste paper;

(28) 'offensive trade' means any trade, business or industry in which the substances dealt with are likely to become a nuisance;

(29) 'owner' means—

(a) when used with reference to any premises, the person who receives, the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let and includes—

(i) an agent or trustee who receives such rent on account of the owner;

(ii) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious, charitable or educational purposes;

(iii) a receiver, sequestrator or manager appointed by any court of competent jurisdiction to have the charge of or to exercise the rights of an owner of the said premises; and

(iv) a mortgagee-in-possession; and

(b) when used with reference to any animal, vehicle or boat includes the person for the time being incharge of the animal, vehicle or boat;

(30) 'prescribed' means prescribed by rules made under this Act;

(31) 'president' means the President of the Committee;

(32) 'private market means a market other than a public market;

(33) 'public market' means any market belonging to a Committee or acquired, constructed, maintained or managed by the Committee ;

(34) 'public place' includes any park or garden ground or any other place to which the public have or are permitted to have access ;

(35) 'public street' means any street over which the public have a right of way, whether a thoroughfare or not and includes :—

(a) a broadway over or a footway attached to any public bridge or causeway, and

(b) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah, or other structure, which lies on either side of the roadway upto the boundaries of the adjacent property, whether that property is private property or belonging to Government ;

(36) 'secretary' means the Secretary of the Local Government Department ;

(37) 'sewage' means night soil other contents of water closets, latrines, privies, urinals, cesspools or drains and polluted water from sinks, bathrooms, stables, cattle-sheds and other like places and includes trade effluent and discharges from manufactories of all kinds ;

(38) 'street' includes any highway, and any causeway, bridge, viaduct, arch road, land, foot-way, subway, court, alley or riding path or passage, whether a thoroughfare or not; and, when there is a footway as well as a carriage way in any street, the said term includes both ;

(39) 'schedule' means the schedule annexed to this Act ;

(40) 'street-alignment means a line dividing the lands comprised in and forming part of a street from the adjoining land ;

(41) 'tax' includes any toll, rate, cess, fee or other impost leviable under this Act ;

(42) 'vehicle' includes a carriage, cart, van, dray, truck, hand-cart, bicycle, tricycle, cycle-reickshaw, motor-cycle, auto-rickshaw, motor-car and every wheeled conveyance which is used or is capable of being used on a street.

CHAPTER II.

Constitution of Municipalities.

City and Town Municipalities.

Notification of areas as City Municipalities and Town Municipalities.

3. The Government shall by notification, declare every town which at the last official census had a population of 15,000 or more to be a City Municipality, and every other town, which at the last official census had a population of more than 5,000 and less than 15,000 to be a Town Municipality:

Provided that no Cantonment or part thereof shall be compromised in any such Municipality:

Provided also that where the Governmnet in its discretion considers that special circumstances exist which render it desirable that an area although it has not the population specified above should be constituted as City Municipality or Town Municipality, the Govt. may notify such area as a City or Town Municipality.

(2) Every notification issued under sub-section (1) shall define the limits of the town to which it relates and shall specify the name of the Municipality as the City or Town Municipality of the Town for which it has been constituted.

Power to include or exclude areas in or from Municipalities; and the effects thereon.

4. (1) The Government may, after consulting the Committee by notification in the Official Gazette—

(a) include within a Municipality any local area adjacent thereto;

(b) exclude from a Municipality any local area comprised therein.

(2) Every such notification shall define the limits of the local area to which it relates.

(3) When a local area is included in a Municipality, this Act and all notifications, rules, bye-laws, orders, directions and powers issued, made or conferred under this Act, shall apply to the said area from the date of publication of the notification under sub-section (1).

(4) When a local area is excluded from a Municipality,

(i) this Act and all notifications, rules, bye-laws, orders, directions and powers issued, made or conferred under this Act shall cease to apply to the said area from the date of publication of the notification under sub-section (1),

(ii) the Government shall after consulting the Committee frame a scheme determining what portion of the balance of the municipal fund and all other property vested in the Committee shall vest in the Government for the benefit of the inhabitant of the local area, and how the liabilities of the Committee shall be apportioned between the Committee and the Government; and on the final publication of such scheme in the official Gazette such property and liabilities shall vest and be appointed acordingly,

(iii) while framing a scheme under sub-clause (ii) the Government shall direct that the area so excluded shall be included within the limits of a local authority and that the Municipal fund and all other property so apportioned shall be placed at the disposal of the said local authority to be utilised for the promotion of sefety, health, welfare, or convenience of the inhabitants of the said area.

Committees.

Formation of Committee.

5. (1) There shall be established for each City Municipality a Municipal Committee having authority over the City Municipality and for each Town Municipality a Town Committee having authority over the Town Municipality.

(2) Such Committee shall come into existence on such date as the Government may notify in this behalf.

Committee to be deemed as a corporate body.

6. Every Committee shall be a body corporate known by the name specified in the notification issued under section 4 and shall have perpetual succession and a common seal and may by such name sue and be sued.

Constitution of Municipal Committees.

7. (1) A Municipal Committee shall consist of such number of elected members as the Government shall, by notification in the official Gazette, declare for each Municipal Committee.

(2) The representation of each constituency in the Municipal Committee shall be on the basis of the population of that Constituency as ascertained in the last preceding census of which the relevant figures have been published and shall be on a scale of not more than one member for every fifteen hundred of the population :

Provided that the total number of members in the Municipal Committee shall in no case be more than thirty-four or less than seventeen.

(3) Of the members of a Municipal Committee there shall be reserved such number of seats for the Scheduled Castes and Scheduled Tribes, as shall bear, as nearly as may be, the same proportion to the total number of seats in a Municipal Committee as the population of the Scheduled Castes and Scheduled Tribes in the City Municipality bears to the total population of the City Municipality.

Explanation: In this Section Scheduled Castes and Scheduled Tribes shall have the same meaning as is assigned to the expressions in clauses 24 and 25, of Article 366 of the Constitution of India.

(4) The determination of seats reserved for the Scheduled Castes and Scheduled Tribes under sub-section (2) shall be made by Government by notification in the official Gazette.

Constitution of Town Committees.

8. (1) A Town Committee shall consist of such number of elected members, as the Government shall, by notification in the official Gazette, declare for each Town Committee.

(2) The representation of each constituency in the Town Committee shall be on the basis of population of that constituency as ascertained in the last preceding censes of which the relevant figures have been published and shall be on a scale of not more than one member for every five hundred of the population :

Provided that the total number of members in the Town Committee shall in no case be more than fifteen or less than ten.

(3) Of the members of a Town Committee there shall be reserved such number of seats for the Scheduled Castes and Scheduled Tribes as shall bear, as nearly as may be, the same proportion to the number of seats in a Town Committee as the population of the Scheduled Castes and Scheduled Tribes in the Town Municipality bears to the total population of the Town Municipality.

Explanation: In this section Scheduled Castes and Scheduled Tribes shall have the same meaning as is assigned to the expressions in clauses 24 and 25 of Article 366 of the Constitution of India.

(4) The determination of seats reserved for the Scheduled Castes and Scheduled Tribes under sub-section (3) shall be made by Government by notification in the official Gazette.

Election of members.

9. (1) For the purpose of holding elections to the Comimttee, the Collector shall, by notification in the official Gazette and in such other manner as he thinks fit, determine the constituencies—

(a) by dividing the Municipality into constituencies;

(b) in which the seats, if any, reserved for the Scheduled Castes and Scheduled Tribes shall be set apart:

Provided that no such determination shall be deemed to be final unless the Collector shall have by a like notification published his proposals to elicit public opinion in respect thereof and specified the date on or after which the proposals will be further considered and shall have considered the objections and suggestions if any, received by him before the date so specified.

(2) Each of the constituencies shall ordinarily return only one member except the constituencies referred to in clause (b) of sub-section (1) which shall, in addition to the member, for such non-reserved seat, return one more member for the reserved seat. The number of members for each of the constituncies shall be notified by the Collector.

(3) When issuing, under sub-section (1), a notification which materially alters the existing division of a municipality into constituencies, the Collector may direct that the alteration shall take effect from the date of the next ordinary elections.

(4) When the number of members to be returned by a constituency is altered or when a new constituency is formed or as existing constituency is abolished, the Collector shall determine—

(a) the Constituencies which each member then in the Committee shall be deemed to present;

(b) the constituency or constituencies in which election shall be held to fill up the vacancies, if any, in the Committee.

Qualification for registration in the list of voters.

10. (1) Subject to the provisions of section 11 every person who—

(a) has been ordinarily resident in a Municipality, and

(b) was not less than 21 years of age on the first day of March of the year for which list of voters is be-

ing prepared shall be entitled to be registered in the list of voters.

(2) Save as hereinafter provided a person shall be deemed to be ordinarily resident in a Municipality if he ordinarily resides in that Municipality or owns or is in possession of a dwelling house therein.

Explanation :—

(a) a person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness or who is detained in prison or other legal custody at any place shall not by reasons thereof be deemed to be ordinarily residents therein.

(b) a member of the armed Forces of the Union shall be deemed to be ordinarily resident on any date in the Municipality in which but for his service in the armed forces he would have been ordinarily resident on that date.

Disqualification for registration in the list of voters.

11. (1) A person shall be disqualified for registration in the list of voters if he—

(a) is not a citizen of India,

(b) is of unsound mind and stands so declared by a competent Court, and

(c) is for the time being disqualified from voting under the provisions of this Act or of any other law relating to corrupt and illegal practices and other offences in connection with election.

(2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the list of voters in which it is included.

Annual preparation of the list of voters.

12. There shall be prepared every year by the Collector in the manner prescribed, a list of voters for every constituency in which there shall be included the names of all the persons appearing to be entitled to be registered therein.

Period of operation of the list of voters.

13. (1) The list of voters first prepared under this Act and the rules made thereunder shall come into force immediately upon its final publication in the manner prescribed and shall remain in force until the 30th day of September next; and every list of voters subsequently prepared shall come into force on the 1st day of October of the year for which the list of voters is being prepared

and shall remain in force until the 30th day of September next following.

(2) If for any reason the list of voters for any constituency is, in any year, not finally published in the prescribed manner before the 1st day of October, then until the day on which it is so published the list of voters in force immediately before the said 1st day of October shall continue in force as the list of voters for that constituency.

Right to vote.

14. No person who is not, and except as expressly provided by this Act, every person who is, for the time being entered in the list of voters of a constituency shall be entitled to vote in that constituency.

Effect of possessing qualification in more than one constituency.

15. If a person possesses qualifications to vote in more than one constituency he shall, within the prescribed time, declare the constituency in which he proposes to vote and in the event of his failure to make such declaration within the prescribed time he shall be entitled to vote in only one constituency.

Elections when to be held.

16. (1) Every general election requisite for the purpose of this Act shall be held by the Collector in the manner prescribed within three months before the expiry of the term of office of the members of the Committee as specified in section 34.

(2) A casual vacancy in the office of a member of a Committee shall be filled at a by-election which shall be fixed by the Government to take place within three months after the occurrence of the vacancy:

Provided that no bye-election shall be held to fill a casual vacancy occurring within three months before the ordinary date of retirement of the members and that such constituency shall be filled at the next general election of the Committee.

Notification to call upon constituencies.

17. For the purpose of holding elections under this Act, the Government shall, by one or more notifications published in the Official Gazette, on such date or dates as may be recommended by the Collector, call upon all the constituencies to elect members in accordance with the provisions of this Act and of rules and orders made thereunder, before such date or dates as may be specified in the said notification or notifications :

Provided that for the purpose of holding elections under sub-section (1) of section 16, no such notification

shall be issued at any time earlier than four months before the expiry of the term of office of the members of the Committee as specified in section 34.

Returning Officer for each constituency.

18. For ach constituency there shall be a Returning Officer who shall be such officer as the Collector may, with the approval of the Government, designate or nominate :

Provided that nothing in this section shall prevent the Collector from designating or nominating the same officer to be Returning Officer for more than one constituency.

General duty of the Returning Officer.

19. It shall be the general duty of the Returning Officer at any election held under this Act to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this Act and the rules or orders made thereunder.

Appointment of dates for nominations, etc.

20. As soon as the notification calling upon a constituency to elect a member or members is issued under this Act, the Collector shall, by notification in the Official Gazette, appoint—

(a) the last date for making nominations, which shall be a date not later than the tenth day after the date of publication of the first mentioned notification, not earlier than the fourth day after the date of publication of the notification under this section ;

(b) the date for scrutiny of nominations which shall be a date not later than the third day after the last date for making nominations ;

(c) the last date for the withdrawal of candidatures which shall be be a date not earlier than the third day after the date for the scrutiny of nominations, and

(d) the date or dates on which a poll shall, if necessary be taken which or the first of which shall be a date not earlier than the twelveth day after the last date for the withdrawal of candidature.

Appeals from decisions of Returning Officer.

21. (1) An appeal shall lie to the District Judge of the district in which the municipality is situated as herein provided from any decision of a Returning Officer accepting or rejecting a nomination paper.

(2) Any candidate aggrieved by a decision of the Returning Officer accepting or rejecting a nomination paper may present an appeal therefrom to the District

Judge within a period of seven days from the date of publication of the list of validly nominated candidates :

Provided that such candidate has, not later than 3 0'clock in the afternoon of the day next following the said date, given the Returning Officer a notice in writing of his intention to appeal under this section.

(3) If one or more notices has or have been received in accordance with the proviso to sub-section (2), the Returning Officer shall, immediately after the expiry of the time mentioned in that proviso—

(a) publish the notices by affixing to his notice board one copy of each of the notices together with an intimation in the prescribed form that the hearing of the appeals, if any, presented in pursuance of these notices shall commence, before the District Judge on the tenth day after the date of such publication : and

(b) send to the District Judge a copy of each of the notices, the intimation referred to in clause (a) and the list of validly nominated candidates.

(4) The Returning Officer shall, on application made by or on behalf of a candidate, supply forthwith to the applicant a copy of the decision accepting or rejecting a nomination paper together with the statement of reasons, recorded by him.

(5) In every appeal under this section, the appellant shall join as respondents all the candidates (other than himself) whose nominations have been accepted by the Returning Officer.

(6) The intimation affixed to the notice board of the Returning Officer under clause (a) of sub-section (3) shall be deemed to be sufficient notice, both of the presentation of an appeal under this section and of the date on which the hearing thereof shall commence before the District Judge and it shall not be necessary to give any other notice to the appellants or the respondents and the appeal or appeals shall be deemed to have been fixed for peremptory hearing on the said date.

(7) Every appeal under this section shall be heard and decided **dien deim** and disposed of by the District Judge as expeditiously as possible, and his decision shall be communicated forthwith to the Returning Officer.

(8) Where one or more notices of intention to appeal has or have been given to the Returning Officer, but no appeal is presented within the period specified in the sub-

section (2), the District Judge shall immediately intimate that fact to the Returning Officer in the prescribed form.

(9) In every case where one or more notices of intention to appeal has or have been given to the Returning Officer, he shall, upon receipt of the communications of the District Judge referred to in sub-sections (7) and (8) republish by affixing to his notice board the list of validly nominated candidates after revising it, if necessary in conformity with the decisions of the District Judge.

(10) The decision of the District Judge on appeal under this section and subject only to such decision, the decision of the Returning Officer accepting or rejecting the nomination of a candidate shall be final and conclusive and shall not be called in question in any Court or Tribunal, including an Election Tribunal.

Corrupt practices.

22. (1) The following shall be deemed to be corrupt practices in connection with elections held under this Act :—

(i) bribery, that is to say, any gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, or any gratification to any person whomsoever, with the object, directly or indirectly of inducing—

(a) a person to stand or not to stand as, or to withdraw from being, a candidate at an election ; or

(b) a voter to vote or refrain from voting at an election, or as a reward to—

(1) a person for having so stood or not stood, or for having withdrawn his candidature ; or

(2) a voter for having voted or refrained from voting.

Explanation.—For the purpose of this clause the term gratification is not restricted to pecuniary gratifications or gratifications estimable in money and includes all forms of entertainments and all forms of employment for reward ; but does not include the payment of any expenses **bona fide** incurred at, or for the purposes of, any election and duly entered in the return of election expenses.

(ii) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, with the free exercise of any electoral right ;

Provided that—

(a) without prejudice to the generality of the provisions of this clause, any such person as is referred to therein who—

(1) threatens any candidate, or any voter, or any person in whom a candidate or a voter is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(2) induces or attempts to induce a candidate or a voter to believe that he, or any person in whom he is interested, will become or will be rendered, an object of divine displeasure or spiritual censure shall be deemed to interfere, with the free exercise of the electoral right of such candidate or voter within the meaning of this clause,

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not not be deemed to be interference within the meaning of this clause.

(iii) Procuring or abetting or attempting to procure by a candidate or his agent, or any other person with the connivance of a candidate or his agent, the appilcation by a person for a ballot paper in the name of any other person whether living or dead, or in a fictious name, or by a person for a ballot paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency he is not entitled to vote.

(iv) Removal of a ballot paper from the Polling Station during polling hours by a candidate or his agent, or by any other person with the connivance of a candidate or his agent.

(v) Publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(vi) Hiring or procuring, whether on payment or otherwise of any vehicles or vessel by a candidate or his agent or by any other person with connivance of a candidate or his agent for the conveyance of any voter (other than the candidate himself, the mem-

bers of his family or his agent) to or from any polling station or a place fixed for the poll :

Provided that the hiring of a vehicle or vessel by a voter or by several voters at their joint cost for purposes on conveying him or them to or from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power :

Provided further that the use of any public transport vehicle or vessel or any tram car or railway carriage by any voter at his own cost for the purpose of going to or coming from such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

(vii) incurring or authorising by a candidate or his agent of expenditure, or the employment of any person by a candidate or his agent, in contravention of this Act or of any rule made thereunder;

(viii) obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the connivance of a candidate or his agent, any assistance for the furtherance of the prospects of the candidate's election from any person, serving under the Government of India or the Government of Hyderabad other than the giving of vote by such person.

Explanation:—For the purpose of this clause—

(a) a person serving under the Government of India or the Government of Hyderabad shall not include a person who has been declared by the Central Government or, as the case may be, the State Government to be a person to whom the provisions of this clause shall not apply ;

(b) a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an electing agent or a polling agent or a counting agent of that candidate.

(2) The following shall also be deemed to be corrupt practices in connection with elections held under this Act :—

(i) any act specified in clauses (i) to (viii) of this section when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

(ii) the application by a person at an election for ballot paper in the name of any other person, whether living or dead, or in a fictitious name, or for a ballot paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

(iii) the receipt of, or agreement to receive, any gratification whether as a motive or a reward—

(a) by a person for standing or not standing as, or withdrawing from being a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any voter to vote or refrain from voting or any candidate to withdraw his candidature.

(iv) the making of any return of election expenses which is false in any material particular, or the making of a declaration verifying any such return.

(v) the systematic appeal to vote or refrain from voting on grounds of caste, race, community or religion or the use of, or appeal to, religious and national symbols, such as, the national flag and the national emblem for the furtherance of the prospects of a candidate's election.

Illegal practices.

23. The following shall be deemed to be illegal practices for the purposes of this Act :—

(i) the incurring or authorisation by any person other than a candidate or his agent, of expenses on account of holding any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorised in writing to do so by the candidate.

Explanation.—Any such expenses as aforesaid incurred or authorised by any institution or organisation for the furtherance of the prospects of the election of a candidate supported by such institution or organisation shall not be deemed to be expenses incurred or authorised within the meaning of this clause.

(ii) the hiring, using or letting, as Committee Room or for the purpose of any meeting to which voters are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

(iii) the issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

Election petition

24. (1) Subject to the provisions of section 21 no election held under this Act shall be called in question expect by an election petition which shall be presented in such manner as may be prescribed.

(2) An election petition calling in question any election may be presented on one or more of the grounds specified in sub-clauses (i) and (ii) of sub-section (10) and sub-section (11) to the Election Tribunal by any candidate at such election or any voter within two months from but not earlier than, the date of election of the returned candidate, or if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates.

Parties to the petition.

(3) A petitioner shall join as respondents to his petition—

(a) where the petitioner claims a declaration under clause (b) of sub-section (5) all the contesting candidates other than the petitioner, and in any other case, all the returned candidates; and

(b) any other candidate against whom allegations of any corrupt or illegal practice are made in the petition.

Contents of petition.

(4) (i) An election petition:—

(a) shall contain a concise statement of the material facts on which the petitioner relies :

(b) shall set forth full particulars of any corrupt or illegal practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt or illegal practice and the date and place of the commission of each such practice ; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure 1908 (V of 1908), for the verification of pleading ;

(ii) any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

Relief that may be claimed by the petitioner.

(5) A petitioner may claim any one of the following declarations :—

(a) that the election of the returned candidate is void ;

(b) that the election of the returned candidate is void and that he himself or any other candidate has been duly elected ;

(c) that the elections as a whole is void.

(6) The Government shall appoint any person who is or has been or is eligible to be appointed Judge of the High Court as an Election Tribunal (hereinafter referred to as the Tribunal) for the trial of petitions in respect of an election under this Act. The Tribunal shall deal with such petitions and proceedings in connection there with in the prescribed manner.

Powers of the Tribunal.

(7) The Tribunal shall have the powers which are vested in a court under the Code of Civil Procedure, 1908 (V of 1908) when trying a suit, in respect of the following matters :—

(a) discovery and inspection ;

(b) enforcing the attendance of witnesses, and requiring the deposit of their expenses ;

(c) compelling the production of documents ;

(d) examining witnesses on oath ;

(e) granting adjournments ;

(f) reception of evidence taken on affidavit and

(g) issuing commissions for the examination of witnesses and may summon and examine **suo moto** any person whose evidence appears to it to be material ; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898, (V of 1898).

Decision of the Tribunal.

(8) At the conclusion of the trial of an election petition, the Tribunal shall make an order—

(a) dismissing the election petition ; or

(b) declaring the election of the returned candidate to be void ; or

(c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected ; or

(d) declaring the election to be wholly void.

Other Orders to be made by the Tribunal.

(9) (i) At the time of making an order under sub-section (8) the Tribunal shall also make an order—

(a) where any charge is made in the petition of any corrupt or illegal practice having been committed at the election, recording—

(i) a finding whether any corrupt or illegal practice has or has not been proved to have been committed by or with the connivance of any candidate or his agent at the election, and the nature of that corrupt or illegal practice; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt or illegal practice and the nature of that practice, together with any such recommendations as the Tribunal may think proper to make for the exemption of any person from any disqualification which they may have incurred in this connection under section 25 and in respect of any disqualification arising out of failure to lodge return of election expenses with reference to clause (j) of sub-section (1) of section 27.

(b) fixing the total amount of costs payable, and specifying the persons by and to whom costs shall be paid:

Provided that no person shall be named in the order under para (ii) of sub-clause (a), unless;

(a) he has been given notice to appear before the Tribunal and to show cause why he should not be so named; and

(b) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the Tribunal and has given evidence against him, of calling evidence in his defence and of being heard.

(ii) any order as to costs under sub-clause (b) of clause (i) may include a direction for the payment of costs to the Advocate General or Government Pleader or any other pleader attending the trial.

Grounds for declaring election to be to be void.

(10) (i) If the Tribunal is of opinion that the election has not been a free election by reason that bribery, undue influence or group intimidation has extensively

prevailed at the election the Tribunal shall declare the electiion as a whole to be void:

Provided that where at the election a candidate has been declared to be elected uncontested to fill a reserved seat and the Tribunal is of opinion that bribery, undue influence or group intimidation prevailed only in regard to the election to fill the remaining seat, the Tribunal shall declare to be void only the election of the returned candidate to fill that remaining seat.

Explanation :—In this section—

(a) the expression 'bribery' and 'undue influence' have the meaning given to them in section 22;

(b) the expression group intimidation means an interference or attempt at interference by a community, group or section with the free exercise by another community, group or section of the right to vote or refrain from voting by intimidation, coercion, social or economic boycott, threat of such boycott or other similar means.

(ii) Subject to the provisions of clause (iii), if the Tribunal is of opinion—

(a) that the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by any corrupt or illegal practice; or

(b) that any corrupt practice specified in section 22 has been committed by a returned candidate or his agent or by any other person with the connivance of a returned candidate or his agent; or

(c) that the result of the election has been materially affected by the reception of any vote which is void, or by any non-compliance with the provisions of the Constitution of Inida or of this Act or of any rules or orders made under this Act or of any other Act or rules relating to election, or by any mistake in the use of any prescribed form; or

(d) that on the date of his election a returned candidate was not qualified or was disqualified to be elected as a member under this Act, the Tribunal shall declare the election of the returned candidate to be void.

(iii) If in the opinion of the Tribunal a returned candidate has been guilty, by an agent other than his

election agent, of any corrupt practice specified in section 22, but the Tribunal is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the sanction or connivance of the candidate or his election agent;

(b) that all such corrupt practices were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election;

(c) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt or illegal practice at the election; and

(d) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate or any of his agents,

then the Tribunal may decide that the election of the returned candidate is not void.

Grounds for which a candidate other than the returned candidate may be declared to have been elected.

(11) If any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the Tribunal is of opinion—

(a) that in fact the petitioner or such other candidate received a majority of the valid votes, or

(b) that but for the votes obtained by the returned candidate by corrupt or illegal practices, the petitioner or such other candidate would have obtained a majority of the valid votes, the Tribunal shall, after declaring the election of the returned candidate to be void, declare, the petitioner or such other candidate, as the case may be, to have been duly elected.

Procedure in case of an equality of votes.

(12) If during the trial of an election petition it appears that there is an equality of votes between candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then—

(a) any decision made by the Returning Officer under the provisions of this Act shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition; and

(b) In so far as that question is not determined by such a decision, the Tribunal shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

(13) The Tribunal shall send a copy of its orders made under sub-section (8) or (9), unless an appeal is preferred therefrom in which case a copy of the order of the High Court along with the records of the case to the Collector.

Appeal against orders of the Tribunal.

(14) An appeal from an order passed by the Tribunal under sub-sections (8) and (9) shall lie to the High Court and shall be heard by a bench consisting of not less than two judges:

Provided that no such appeal shall be heard by the High Court unless it is filed within thirty days from the date of the order of the Tribunal.

(15) Every order of the Tribunal made under this Act, unless an appeal is preferred therefrom to the High Court in which case the order of the High Court under sub-section (14) shall be final and conclusive and shall not be questioned in any Court of law.

(16) An order of the Tribunal under sub-section (8) or sub-section (9) shall take effect immediately after the expiry of the period of appeal, unless an appeal is preferred therefrom, in which case the order of the High Court shall take effect as soon as it is pronounced.

Disqualification arising out of corrupt and illegal practices.

25. (1) Any person who has been convicted for an offence punishable with imprisonment under section 171-E or 171-F of the Indian Penal Code, 1860, (XLV of 1860) shall for a period of four years from the date of such conviction be disqualified from voting at any election of the Committee.

(2) Any person who has been found guilty of any corrupt or illegal practice in elections held under this Act, or any other law for the time being in force, shall be disqualified from voting at an election of the Committee for a period of four or three years respectively from the date on which the person is found so guilty.

(3) If default is made in making the return of the election expenses of any candidate who has contested the election held under this Act or if such return is found either upon the trial of an election petition or by any court in a judicial proceedings, to be false in any material particular, the candidate shall be disqualified for voting at

an election of the Committee for a period of four years from the date by which the return was required to be lodged.

(4) Any disqualification under sub-sections (1),(2) and (3) may be removed by Government for reasons to be recorded by it in writing:

Provided that any removal of disqualification under this sub-section shall not qualify any person to vote or be restored to office as a member or to be elected as a member in any by-election held during the period for which, but for such disqualification, he would have continued as a member.

Qualification for being elected as a member.

26. (1) Subject to the provisions of this Act a person who is registered in the list of vaters of any constituency within a Municipality shall be qualified to be elected as a member for any of the constituencies of the Municipality.

(2) Any person who ceases to be a member shall, if qualified under sub-section (1) and not otherwise disqualified, be eligible for re-election as such.

Disqualification for being a member.

27. (1) Subject to the provisions of this Act a person shall be disqualified for being elected as a member of a Committee if such person at the date of election—

(a) is one who has been sentenced by any court to imprisonment for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed:

Provided that on the expiry of such sentence the disqualification incurred under this clause shall cease;

(b) is of unsound mind as declared by a competent Court; a deaf-mute or a leper;

(c) holds any office or place of profit under the Government or under the Municipality or under any local authority;

(d) is an undischarged insolvent;

(e) holds any judicial office with jurisdiction within the limits of the Municipality;

(f) is employed as paid legal practitioner on behalf of the Municipality, or accepts employment as legal practitioner aginst the Municipality;

(g) having been a legal practitioner has been dismissed or is under suspension by order of the competent

court, the disqualifications in the latter case being operative during the period of suspension;

(h) subject to the provisions of sub-section (2) has directly or indirectly, by himself or his partner, or if he belongs to a Joint Hindu family by any member of such family any share or interest in any contract (except as a share-holder other than a Director in a company) or has employment with, by or on behalf of the Municipality;

(i) has been dismissed from the service of the Government, Municipality or any local authority for misconduct and has been declared by a competent authority to be not eligible for further employment in the public service:

(j) having contested the election under this Act as a candidate has failed to lodge a return of election expenses within the time and in the manner prescribed unless four years have elapsed from the date by which it ought to have been lodged or the Government have removed the disqualification;

(k) had been disqualified for voting under section 25, unless such period has elapsed for which he was disqualified for voting.

(2) A person shall not be deemed to have incurred disqualification under clause (h) of sub-section (1) by reason only of his—

(a) receiving pension from the Municipality,

(b) having any share or interest in—

(i) any lease, sale, exchange or purchase of land or any agreement for the same:

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the Municipality is inserted;

(iv) any Joint Stock Company or any Society registered or deemed to be registered under the Hyderabad Co-operative Societies Act, 1952 (XVI of 1952), which shall contract with or be employed by the President or Executive Officer on behalf of the Municipality;

(v) the ocasional sale to the President or Executive Officer on behalf of the Municpality of any article in which he regularly trades, of a value not exceed-

ing in the aggregate in any financial year one thousand rupees ;

(vi) the ocasional letting out on hire to the Municipality or hiring from the Municipality of any article for an amount not exceeding in the aggregate in any one financial year five hundred rupees ;

(c) occupying as a tenant for the purpose of residence any premises belonging to the Municipality.

Disqualification for continuing as member.

28. (1) A member of a Committee shall cease to be a member if he—

(a) is or becomes subject to any of the disqualifications specified in section 27 ;

(b) ceases to reside in the Municipality ;

(c) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the Committee, within three months from date of service of a notice requiring payment thereof issued by the President or Executive Officer (which it shall be their duty to issue and cause to be served at the earliest convenient date) ;

(d) absents himself at more than three consecutive meetings of the Committee, unless leave, so to absent himself (which shall not exceed six months), had been granted by the Committee or absents himself for six consecutive months from meeting of the Committee :

Provided that no meeting from which a member absents himself shall be counted against him under this clausue, if the notice of that meeting was not given to him.

Explanation.—A meeting held upon request and a special meeting called under sub-section (2) of section 46 shall not be deemed to be a meeting within the meaning of this clause.

(2) When a person ceases to be a member under clause (d) of sub-section (1), the President shall at once intimate the fact in writing to such person and report the same to the Committee at its next meeting. If such person applies for restoration to his office on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, whichever is later, the Committee may at the meeting next after the receipt of such application or **suo moto** at the said meeting restore him to his office as member :

Provided that a member shall not be so restored more than twice during his term of office.

Prohibition of simultaneous membership.

29. (1) If a person is elected by more than one constituency, he shall by notice in writing, signed by him and delivered to the Collector or any other officer appointed by the Government in this behalf, within the time prescribed choose anyone of the constituencies whcih he shall serve and the choice shall be final.

(2) When any such choice has been made, the constituency or constituencies other than the constituency which such person has chosen to serve shall be called upon to elect another person or persons.

(3) If the candidate does not make the choice refered to in sub-section (1) the election of such person shall be void and all constituencies concerned shall be called upon to elect another person or persons.

Reference to the Election Tribunal.

30. (1) Whenever it is alleged that any person who has been elected as a member of a Committee is disqualified under section 25, sub-section (1) of section 26 or section 28 and such person does not admit the allegation, or whenever any member is himself in doubt whether or not he has become disqualified for office under section 25, sub-section (1) of seetion 26 or section 28 such member or any other member may, and the President at the request of the Committee shall, refer the matter for decision to the Election Tribunal constituted under subsection (6) of section 24.

(2) The Election Tribunal, after making such inquiry as it deems necessary, shall determine whether or not such person is disqualified under section 25, subsection (1) of section 26 or section 28 and such decision shall be final.

(3) Pending such decision, the member shall be entitled to act as if he were not disqualified.

Procedure when no member is elected.

31. (1) If at a general election or by-electiton to a Comittee held under section 16, no member is elected, a fresh election shall be held on such date as the Government may fix in this behalf.

(2) The term of office of a member elected under this section shall expire at the time at which it would have expired if he had been elected at the general election or bye-election, as the case may be.

Publication of the names of members in the Official Gazette.

32. The names of all members finally elected to any Committee, shall be forthwith published in the official Gazette.

Return of election expenses.

33. (1) Within 45 days of the publication of the result of the election in the official Gazette under section 32 there shall be lodged with the Returning Officer in respect of a candidate who has contested the election, a return of the election expenses signed by him and his election agent, if any appointed.

(2) Every such return shall be in such form and shall contain such particulars and be accompanied by such declarations as may be prescribed.

(3) Notwithstanding any thing contained in this section where owing to absence from Municipality a candidate is unable to sign the return of election expenses and to make the required declaration, the return shall be signed and lodged by the election agent if any and shall be accompanied by a declaration by the election agent only and the candidate shall, within fourteen days after his return to the Municipality, cause to be lodged with the Returning Officer a declaration made on oath or solemn affirmation before a Magistrate in such form as may be prescribed.

(4) The maximum scales of election expenses at elections and the numbers and descriptions of persons who may be employed for payment in connection with election shall be such as may be prescribed.

Term of office of members.

34. (1) Except as is otherwise provided in this Act, members shall hold office for a term of three years :

Provided that the Government may by notificatiion in the official Gazette for sufficient cause which shall be stated therein, direct that term of office of the members of any Committee as a whole be extendd by such period or periods not exceeding one year, as may be specified in the notification.

(2) (a) The term of office of such members shall be deemed to commence on the date of the first meeting called by the Collector under section 35 ;

(b) the term of office of the outgoing members shall be deemed to extend to and expire with the day before the date of such meeting.

Election of President and Vice-President.

35. (1) The first meeting of the Committee shall be called by the Colector, or any officer not below the rank of a Tahsildar authorised by the Collector, in this behalf, after giving at least five clear days notice thereof within thirty days from the date of publication of the names of members under section 32 to elect a President and Vice-President from amongst the members; such meeting shall not be held on a date prior to the date on which the term of the outgoing members expires under section 34.

(2) The Collector or any officer authorised by him shall preside over such meeting and while so presiding shal have the same powers as the President of a Committee when presiding over a meeting of the Committee but shall not have a right to vote:

Provided that the Collector or the Officer presiding over such meeting may for reasons which in his opinion are sufficient refuse to adjourn such meeting.

(3) If at an election held under sub-section (1) no President or Vice-President is elected a fresh election shall be held within thirty days from the date of the first election.

(4) Every election of a President or Vice-President shall be forthwith notified in the official Gazette.

(5) The term of office of every President or Vice-President shall cease on the expiry of his term of office as member:

Provide that on the expiry of the term of office as member, the President and Vice-President shall continue to carry on the current administrative duties of their offices until such time as a new President and Vice-President is elected and takes over charge.

Vacancy in the offices of the President or Vice-President.

36. The President or the Vice-President shall vacate his office—

(a) on the expiry of his term of office under sub-section (5) of section 35,

(b) on ceasing to be a member for reasons other than the expiry of his term of office as a member,

(c) on a resoution of no confidence moved in accordance with the procedure prescribed, and passed in a meeting of the Committee:

Provided that the President or the Vice-President, as the case may be, shall not preside at such meeting:

Provided further that if within a week of the passing of such resolution the legality thereof is questioned by more than one-third of the total number of members, the Collector shall, as soon as possible, make such enquiry as he deems fit and decide the matter and his decision thereon shall be final and shall not be questioned in any Court of Law.

Resignation of President or Vice-President or members.

37. The President, Vice-President or any member may resign his office as such President, Vice-President or member by giving notice in writing to the Committee:

Provided that no resignation tendered by the President, Vice-President or member shall take effect until it has been accepted by the Committee.

Casual Vacancies.

38. (1) Any vacancy in the Committee due to death or resignation of the President, Vice-President or a member or to his ceasing to be a member under section 28 or to his otherwise ceasing to be President, Vice President or member, before the expiry of the term of his office or to the vacating of office by the President or Vice-President under section 36, shall be reported by the Executive Officer to the Collector. Such vacancy shall be filled by election of a person thereto, who shall hold office so long only as the President or Vice-President or member in whose place he is elected would have held it if the vacancy had not occured.

(2) For the purpose of filling up the vacancies in the office of the President or the Vice-President under subsection (1) the Collector in case of vacancy in the office of the President, and the President, in case of vacancy in the office of the Vice-President, shall within thirty days from the date of occurence of such vacncy call a meeting of the Committee to elect a President or a Vice-President, as the case may be.

(3) The provisions of section 35 shall be applicable so far as may be to the procedure to be followed at such meeting for the election of a President under this subsection.

CHAPTER III.

Sub-Committees, Joint Committees and Office-Bearers.

Sub-Committees.

39. (1) The Committee may constitute Sub-Committees for the purpose of exercising such powers, and discharging such duties and performing such functions as may be delegated or assigned to them by the Committee and may if it thinks fit appoint any person, whether

member or non-member, to enquire into and advise on any matter referred to them. The Committee may also regulate the procedure of Sub-Committees constituted by it.

(2) The Committee may at any time withdraw the delegation or assignment of powers, duties or functions made under sub-section (1).

(3) A Sub-Committee may from time to time by a resolution, suported by not less than one-half of its members, co-opt as members, persons who are not members of the Committee, for the transaction of any particular business.

(4) Co-opted members shall not have the right to vote and shall be liable to be removed by the Sub-Committee by a resolution supported by not less than one-half of its members.

(5) A Sub-Committee shall appoint one of the members to be the Chairman of the Sub-Committee :

Provided that in case the President or the Vice-President is a member of the Sub-Committee, such President or the Vice-President, as the case may be, shall be the Chairman of the Sub-Committee.

Joint Committees.

40. (1) A Committee may, with the sanction of the Government from time to time—

(a) Join with any other Committee, Municipal Corporation or District Board, Mines Board of Health, Cantonment or Panchayat, or with more than one such local authority.—

(i) in appointing out of their respective authorities a Joint Committee for any purpose in which they are jointly interested and in appointing a Chairman of such Committee;

(ii) in delegating to such Joint Committee power to frame terms binding on each such local authority as to the construction or undertaking and the maintenance of any joint work or scheme and any power which might be exercised by either or any of such local authorities :

(iii) in framing bye-laws for regulating the proceedings of any such Committee and the conduct of correspondence relating to the purpose for which it was appointed.

(2) A Committee may, from time to time, subject to the sanction of Government enter into an agreement with

any other Committee, Municipal Corporation, District Board, Cantonment, Mines Board of Health or any other local authority regarding the levy of any tax or taxes jointly instead of separately and the appointment of the proceeds of such taxes.

(3) In the event of any dispute arising between a Committee and any other Local Authority or Panchayat on any matter in which they are jointly interested, such dispute shall be referred to the Government, whose decision shall be final :

Provided that when the other Local Authority is a Cantonment Board, the decisions of the Government shall be subject to the concurrence of the Central Government.

(4) The Government, may by an order or rules made under this Act, regulate the relations between the Committee and other local authorities as aforesaid in matter in which they are jointly interested.

Functions of the President.

41. The President shall—

(a) preside over the meetings of the Committee ;

(b) watch over the financial and executive administration of the Committee and place before the Committee all questions connected therewith which require the Committee's orders ;

(c) exercise supervision and control over the acts and proceedings of all officers and servants of the Committee in matters of executive administration and in matters concerning the accounts and records of the Committee ;

(d) furnish to the Government such periodical reports, and returns records as may be prescribed or the Government may from time to time call for ;

(e) furnish to the Government, or to such other officer as the Government, may from time to time, nominate in this behalf, a copy of resolution passed at any meeting of the Committee, any extract from the minutes of the proceedings of the Committee or any Sub-Committee and other documents or things which the Government or the said officer may from time to time call for ;

(f) furnish to the Director of Public Instruction a copy of every resolution of the Committee pertaining to educational matters and to the Director, Medical and

Health Services a copy of every resolution pertaining to dispensaries, medical relief and public health; and

(g) discharge such other functions and exercise such other powers as are imposed or conferred upon him by this Act or any other law or by any rules or bye-laws made under this Act or any other law.

Emergency Powers of President.

42. The President may, in any emergency, direct the execution or stoppage of any work or the doing of any act which requires the sanction of the Committee and the immediate execution or the doing of which, is in his opinion, necessary for the service or safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the Municipal Fund:

Provided that—

(a) he shall not act under this section in contravention of any order of the Committee prohibiting the execution of any particular work or the doing of any particular act, and

(b) he shall report the action taken under this section and the reasons therefor to the Committee at the next meeting.

Functions of Vice-President.

43. The Vice-President shall—

(a) in the absence of the President preside at the meetings of the Committee;

(b) exercise such of the powers and perform such of the duties of the President as the President may, from time to time, delegate to him, and

(c) pending the election of a President or in case the President has been continuously absent from the Municipality for more than fifteen days or is incapacitated, exercise the powers and perform the duties of the President.

Consequence of absence of President or Vice-President without leave.

44. (1) Every President or Vice-President, who for a period exceeding three months, absents himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice-President shall cease to be President or Vice-President, as the case may be, unless leave so to absent himslf has been granted by the Committee, or in the case of a Vice President, by the President.

(2) Leave under sub-section (1) shall not be granted for a period exceeding six months and whenever leave is granted to a President or Vice-President thereunder, the Committee shall elect one of its members to exercise all the

powers and perform all the duties of a Vice-President in place of the Vice-President who is exercising the powers and performing the duties of the President or who is absent on leave during the period for which such leave is granted.

Office bearers, members and employees of Committee to be public servants.

45. Every office-bearer and member of a Committee or Joint Committee and every officer or servant employed by or under a Committee or a Joint Committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860, (XLV of 1860).

CHAPTER IV

Conduct of Business.

Meetings of the Committee.

46. (1) Every Committee shall meet for the transaction of business at least once in every month at such time and place as the President may determine.

(2) The President shall fix the dates for the meetings hereinbefore specified and may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the whole number of members and for a date within twenty-one days from date of receipt of such request, call a special meeting.

Notice of meetings.

47. Seven clear days' notice of an ordinary meeting and three clear days' notice of a Special Meeting specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the members and posted at the Committee's office. Such notice shall include in the case of special meeting any motion or proposition mentioned in any written request made for such meeting.

Quorum.

48. If less than one-third of the whole number of members are present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix; a notice of such adjournment shall be fixed up in the Committee's Office, and the business which would have been brought before the original meeting had there been quorum threat, shall be brought before the adjourned meeting and may be disposed of at such a meeting or at any subsequent adjournment thereof, whether there be a quorum or not.

Meeting by whom to be presided in the absence of President and Vice-President.

49. Every meeting shall be presided over by the President and in his absence by the Vice-President and in the absence of both the President and the Vice-President by such one of the members present as may be chosen by the meeting to be the Chairman for the occasion.

Meeting open to public.

50. (1) Every meeting shall be open to the public unless the presiding authority for special reason which he shall record in writing deems that any enquiry or deliberation pending before th eCommittee is such that it should be held in camera.

(2) The presiding authority may at any time cause any person to be removed who interrupts the proceedings.

Decisions how arrived at.

51. All questions shall be decided by a majority of votes of the members present and voting, the presiding authority having a casting vote in all cases of equality of votes.

Bar of transaction of business.

52. (1) Except with the permission of the presiding authority which permission shall not be given in the case of a motion or proposition to modify or cancel a resolution within three months after the passing thereof, no business shall be transacted and no propositions shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or in case of a special meeting, in the written request for such meeting. The order in which any business or propositions shall be brought forward at such meeting shall be determined by the presiding authority who in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition shall put the proposal before the meeting and be guided by the majority of votes given for or against the proposal.

(2) Any meeting may, with the consent of a majority of members present, be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

Bar of modifying or cancelling certain resolution.

53. No resolution of the Committee shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by more than one-half of the whole number of members and passed at such meeting, the notice of which has been given fulfilling the requirements of section 47 and setting forth fully

the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

Motions and amendments.

54. (1) Every motion or any amendment thereof shall be received in writing and then duly moved. Every motion shall be seconded, and until seconded no debate thereon shall take place nor shall it be put to vote. No amendment which merely negatives the original motion shall be allowed.

(2) Any motion or amendment may be withdrawn by its proposer with the consent of the Committee.

(3) An amendment to an amendment may be moved at any stage of the debate.

(4) On the conclusion of the debate, in the event of there being several amendments to an amendment, the presiding authority shall put the last amendment to vote first and after it is negatived the next proceeding amendment shall be put to vote and so on until all the amendments are disposed of. The original motion or the amended motion, as the case may be, shall then be put to vote.

(5) When any motion or amendment involves many points the presiding authority may divide it and put each point to vote separately.

(6) When a motion or amendment has been put to vote and declared by the presiding authority as carried, no further proposals for amending the motion or amendment shall be entertained.

Conduct of ordinary meetings.

55. At ordinary meetings business shall be conducted in the following order :—

(a) The minutes of the previous ordinary meeting and of any special meeting held since shall be read and if approved by the majority of the members, shall be confirmed.

(b) Business postponed at the previous meeting shall be considered.

(c) Subjects noted on the agenda shall then be considered.

Moving Resolution.

56. A member may propose any resolution connected with or incidental to the subjects included in the list of business, or with the consent of the majority of the members present a resolution on any matter not so included.

Preservation of Order.

57. (1) The presiding authority shall preserve order. All point of orders shall be decided by him with or without discussion as he may deem fit, and his decision shall be final.

(2) The presiding authority may direct any member whose conduct is in his opinion disorderly to withdraw immediately from the meeting of the Committee and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the days' meeting :

Provided that the presiding authority may withdraw such order on receiving an apology from member or without such apology.

(a) The presiding authority may, in the case of grave disorder arising in any meeting suspend the meeting for a period not exceeding three days.

(b) If any member, who has been ordered to withdraw, continues to remain in the meeting, the presiding authority may take such steps as he may deem fit to cause him to be removed.

(3) Any question of procedure not herein provided for, shall be decided by a majority of the members present and voting.

58. No member of a Committee or Sub-Committee thereof or a joint Committee shall vote or take part in the discussion on any matter before a meeting or ask any question concerning any matter in which he has directly or indirectly by himself or his partner any share or interest such as is described in clause (h) of section 27 or in which he is professionally interested on behalf of clients, principal or other person.

Minutes.

59. The names of the members present at every meeting of the Committee or Sub-Committee and proceedings of the decision taken thereat shall be entered in a minute book and confirmed at the next ensuing meeting by the presiding authority. The minute book shall at all reasonable times be open to inspection by any member of the Committee or by any inhabitant of the Municipality.

Circulation of proposals when cannot be convened.

60. (1) If in an emergency, the President finds it difficult to convene a meeting he may circulate a written propositiion of his own or of any other members for the observations and the votes of the members.

(2) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members who thus vote upon it.

(3) Every decision arrived at by the Committee under this section shall be recorded in the minute book and the minute confirmed at the next meeting Committee.

Certain Goverment Officers to attend meeting of the Committee.

61. If it shall appear to the Committee or a Sub-Committee thereof that the presence of the Executive Engineer, the Inspector of Schools, the Civil Surgeon, the Agricultural Officer, the Veterinary Officer, the Social Service Officer, the Forest Officer, the Assistant Registrar of Co-operativee Societies, or any officer charged with any of the duties of these offices in the Municipality is desirable at any meeting of the Committee or of any Sub-Committee thereof the Committee or a Sub-Committee thereof may by letter addressed to such officer not less than 15 days previous to the intended meeting require his presence thereat. The said officer shall, unless his superior officer has any objection thereto or is prevented by sickness or other reasonable cause, attend such meeting, but shall not be entitled to vote thereat.

Rights of individual members.

62. (1) Any member of a Committee may call the attention of the President to any neglect in the execution of work of the Committee, to any waste of property of the Committee or to the wants of any locality within the Municipality and may suggest any improvements which may appear desirable.

(2) Subject to such rules as may be prescribed every member shall have the right to interpellate the President on matters connected with the administration of the Committee.

Vacancy or irregularities not to invalidate the proceeding.

63. (1) No act of a Committee, sub-committee thereof or of any person acting as President, Vice-President, Chairman or Member thereof shall be deemed to be invalid by reason only of some defect in the constitution of such Committee or election or appointment of such President, Vice-President, Chairman or Member, or on the ground that they or any of them were disqualified for such office or that formal notice of the intention to hold a meeting of the Committee was not duly given or for any other informality.

(2) Any thing done or any proceeding taken under this Act shall not be questioned on account of any vacancy in a Committee or Sub-Committee.

CHAPTER V.

Officers and Servants and their Condition of Service.

Application of Hyderabad Civil Service Regulations and certain other rules.

64. Unless otherwise provided in this Act or prescribed thereunder the provisions of the Hyderabad Civil Service Regulations for the time being in force relating to salaries, leave, pensions, travelling allowance, retirements and conditions of all service and the rules for the time being in force relating to the conduct of Government Servants and enquiries into the conduct and punishment of Government servants, shall apply to the officers and servants of the Committee appointed under section 65 and and to officers belonging to Local Government Service constituted under section 66.

Appointment of Officers and Servants.

65. Subject to the provisions of this Act and the rules made thereunder every Committee may appoint such officers and servants as it shall deem necessary and proper for the efficient execution of its duties and shall from time to time prepare a schedule of the staff to be so maintained setting forth their designations, grades, salaries, fees and allowances, and their respective duties and may also determine which of the staff is to be maintained permanently and which temporarily:

Provided that the Committee shall set forth the designations and determine the grades, salaries, fees and allowances in conformity with the arrangements prevailing and the schedule of rates in vogue in the establishments of the Government.

Hyderabad Local Government Service.

66. (1) There shall be constituted for the purposes of this Act and of any other law for the time being in force regulating the duties and powers of Municipal Corporations, District Boards and Mines Boards of Health, a Hyderabad Local Government Service consisting of such officers and servants which may include Executive Officers, Local Government Engineers, Water Works Engineers, Supervisors, Sanitary Inspectors and such other officers and servants as may be appointed from time to time. The powers of appointment, transfer, dismissal and taking any disciplinary action against the officers belonging to the said service and of prescribing conditions of their service shall vest exclusively in the Government.

(2) Notwithstanding the provisions contained in sub-section (1) a Committee may, if it deems necessary, by a resolution recommended to the Government for tak-

ing such disciplinary action as may be required against the Executive Officer belonging to the said service in respect of any act of misconduct committed by him:

Provided that two-thirds of the whole number of members of the Committee vote in favour of such a resolution.

(3) There shall be constituted a Local Government Service Fund to meet the expenditure in respect of salaries, allowances, pensions, provident fund, gratuities and other necessary expenses payable to the officers of such service under the provisions of this Act or any other law for the time being in force or rules made thereunder or under any orders of the Government.

(4) Each Municipal Committee and Town Committee shall respectively contribute 12½ per cent and 7½ per cent of its revenue towards Local Government Service Fund constituted under sub-section (3):

Provided that the Government may from time to time by notification in the Official Gazette revise or alter the percentage of the contribution towards the Local Government Service Fund.

Appointment of technical and inspecting officers.

67. (1) The Government may appoint, for the purposes of this Act and of the laws for the time being in force regulating the duties and powers of the Municipal Corporations, District Boards and Mines Boards of Health duly qualified persons to be Superintending Engineer, Divisional Engineer, or Town Planning Officers, or architects or inspecting or other officers for the whole or any part of the state and may sanction such establishment for the said officers as may be deemed necessary.

(2) The Officers and establishment appointed under sub-section (1) shall belong to the Local Government Service and their expenses shall be defrayed from the Local Government Service Fund constituted under sub-section (3) of section 66.

(3) The powers and duties of the officers mentioned in sub-section (1) and their conditions of service shall be such as may be prescribed.

Punishment and dismissal of the employees.

68. The power of dismissing any officer or servant maintained by a Committee, save those borne on the Hyderabad Local Government Service, shall, subject to the provisions of this Act and the rules made thereunder, vest in the Committee.

Power of Government to transfer Officers and servants of Committee.

69. Notwithstanding any thing contained in this Chapter the Government shall have power to transfer any officer or servant of a Committee to the service of any other Committee, any District Board, any Mines Board of Health or to any other local authority:

Provided that such power shall be exercised after consulting the local authorities concerned.

Residuary Powers of the Committee over subordinates.

70. All Sub-Committees, members, officers and servants of a Committee shall, in the exercise or discharge of any functions delegated to them, be under the control of the Committee and the Committee, may, subject to any provision of law or rules made thereunder, whereby the executive functions of the Committee are assigned to the President or any officer, revise any order passed by any of its Sub-Committees, members, officers or servants.

Executive Officers.

71. (1) The Government may appoint an Executive Officer for each Municipality who shall, subject to the provisions of this Act and the rules made thereunder be directly responsible for carrying out the purposes of this Act.

(2) The Executive Officer shall—

(a) carry into effect the decisions and resolutions of the Committee;

(b) cause to be maintained and supervise accounts and registers of the Committee;

(c) advise the Committee as to the law applicable to any particular case;

(d) prepare annual administration report and other reports called for by the Government and submit them to the Government after approval of the Committee.

(e) prepare budget estimates for submission to the committee or Finance Sub-Committee;

(f) subject to the control of the Committee, do all other acts as may be prescribed for the proper functioning of the Committee;

(g) perform all duties and exercise all the powers specifically imposed or conferred on him by or under this Act and the rules made thereunder and subject to the sanction of the Committee exercise executive powers for the purpose of carrying out the provisions of this Act.

(2) Notwithstanding anything to the contrary contained in this Act and rules made thereunder, the executive Officer of a City Municipality shall, in addition to the

powers specified in sub-section (2), exercise the following powers :—

(a) make such requisition by written notice, or give such written consent or permission, grant such licences, issue such orders and prohibitions, and exercise all such powers as may vest in a Municipal Committee under any provisions contained in sub-section (2) of section 138, section 144, 159, 160, 161, 164, 178, 179, 181, 183, 187, 188, 202, 203, 204, 205, 214, 215, 216, 219, 221, 222, 279 & 280.

(b) Suspend, withhold, or withdraw any licence he is empowered to grant or give under clause (a) and which, the Municipal Committee under the provision of this Act, rules or bye-laws made thereunder may suspend, withhold or withdraw ;

(c) receive and recover and credit to the Municipal Fund all fees payable for licences and permissions granted or given by him under the powers aforesaid ;

(d) make appointments to any post the monthly salary of which does not exceed Rs. 30 ;

(e) fine, reduce, suspend, dismiss, any servant of the Municipal Committee whose monthly salary does not exceed Rs. 30.

CHAPTER VI.

Property, Contracts and Liabilities.

Property vested in Committee.

72. Subject to the provisions of the Land Revenue Act, 1317 F. (VIII of 1317 F.), to any special reservation made or to any special conditions imposed by the Government to any town survey and settlement rules and to any rules made under this Act, all property of the nature hereinafter in this section specified and situated within the limits of a Municipality shall vest in and be under the control of the Committee and all, other property which has already vested or may hereafter vest in the Committee, shall be held and applied by it for the purpose of this Act, that is to say—

(a) all public town-halls, gates, markets, slaughter houses, manure and night soil depots and public building of every description which have been constructed or are maintained out of the Municipal Fund;

(b) all public streams, springs and works for the supply, storage and distribution by the Committee of

water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains and all sewers, drains, culverts and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto;

(d) all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind, or unclaimed dead bodies of animals collected by the Committee from the streets, houses, privies, cess-pools or elsewhere, or deposited in places, fixed by the Committee under this Act.

(e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(f) all land or other property transferred to the Committee by the Government or the District Board or acquired by gift, purchase, or otherwise for local public purposes; and

(g) all public streets, not being open spaces of land owned by the Government or the District Board, and the pavements, stones and other materials, thereof, and all trees, erection materials, implements and things provided for such streets.

Power of Government to transfer any property.

73. (1) The Government may in consultation with the committee, by notification, direct that any property, movable or immovable, which is vested in it, shall vest in any Committee, and thereupon such property shall vest in such Committee for the purpose of this Act, subject to all rights over, and all debts, liabilities and obligations, if any affecting such property.

(2) The Government may, in consultation with the Committee by notification, direct that any property which has vested in a Committee under sub-section (1) shall cease to be so vested and thereupon the proprty specified in the notification shall cease to be so vested, and the Government may pass such orders as it thinks fit regarding the disposal and management of such property.

(3) Where any immovable property is transferred, otherwise than by sale, by the Government to a Committee for public purpose, it shall be deemed a condition of such transfer, unless specially provided to the contrary, that, should the property be at any time resumed by the Government, the compensation therefor shall, not-

withstanding anything to the contrary in the Hyderabad Land Acquisition Act, 1309 F. (IX of 1309 F.), in no case exceed the amount, if any, paid to the Government for the transfer, together with the cost or the present value, whichever shall be less, of any buildings erected or other work executed on the land by the Committee.

Acquisition of land for Committee.

74. When any land is rquired, whether, within or without the area subject to the jurisdiction of the Committee, for the purposes of this Act, the Government may on the request of the Committee proceed to acquire it under the provisions of the Hyderabad Land Acquisition Act, 1309 F. (IX of 1309 F.). Such acquisition shall be deemed to be acquisition for a public purpose within the meaning of the said Act.

Management of public institutions.

75. (1) The management, control and administration of every public instituion maintained out of the Municipal Fund shall vest in the Committee.

(2) Subject to such rules as may be prescribed, when any public institution has been placed under the management, control and administration of the Committee, all property, endowments and funds belonging to it shall be held in trust for the purposes to which such property, endowments and funds were lawfuully applicable at the time when the institution was so placed.

Transfer of Committee property to the Government.

76. The Committee may, with the sanction of the Government, transfer to the Government any property vested in the Committee under section 72 (f), 73 and 74 but not so as to affect any trust or public right subject to which the property is held.

Other transfers of Committee's property.

77. Subject to such exceptions as the Government may by general or special order direct, no Committee shall transfer any immovable property except in pursuance of a resolution passed at a meeting by a majority of not less than two-third of the whole number of members and in accordance with rules made under this Act, and no Committee shall transfer any proprty which has been vested in it by the Government except with the sanction of the Government :

Provided that nothing in this section shall apply to leases of immovable property for a term not exceeding three years.

Auctions.

78. The Committee shal have the powers to hold auctions and enter into contracts pertaining to such auction :

Provided that, when the period of such contracts exceeds two years the sanction of the Government shall be obtained.

Mode of making contracts.

79. (1) The President may, on behalf of the Committee, enter into any contract or agreement in such manner and form as according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf :

Provided that the amount or value of such contract or agreemnt shall not exceed rupees one thousand in the case of City Municipality and rupees five hundred in the case of Town Municipality.

(2) Every other contract or agreement where the amount or value of the contract or agreement exceeds rupees one thousand in the case of City Municipality and rupees five hundred in the case of Town Municipality shall be in wirting and shall be signed with the previous approval of the Committee by the President and by two other members of the Committee, and sealed with the common seal of the Committee.

(3) No contract or agreement, not executed as provided in this section, shall be binding on a Committee.

Improper interest in cotracts.

80. (1) No member, officer or servant appointed or employed under this act shall in any way be interested directly or indirectly in any contract made with the Committee.

(2) If any such officer or servant is so interested or under colour of his office or employment accepts without the previous sanction of the Government any fee or reward whatsoever other than his proper salary and allowances, the Committee, or in the case of officer whose appoint ment is subject to the approval of the Government or in the case of a Government officer, the Government, may declare that he shall be incapable of holding or continuing in any office or employment under this Act.

(3) Nothing in this section shall bar a criminal prosecution under section 81.

Explanation.—A person shall not by reason only of being a shareholder in, or a member of, any incorporated or registered company be deemed to be interested in any

contract entered between the Company and the Committee but he shall not take part in any proceedings of the Committe relating to any such contract.

Penalty for improper interest in contracts.

81. If any member, officer or servant of a Committee is, directly or indirectly interested in any contract made with such Committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code (XLV of 1860).

Bar of suit in respect of act done in good faith.

82. No suit shall be maintainable against any Committee or any member, officer or servant thereof or any person acting under the directions of any such Committee, member, officer or servant, in respect of any thing lawfully and in good faith and with due care and attention done under this Act or any rule or bye-law made thereunder.

Bar of suit in absence of notice.

83. No suit shall be instituted against any Committee or any member, officer or servant, thereof or any person acting under the direction of any such Committee, member, officer or servant, for anything done or purporting to have been done under this Act or the rules made thereundr until the expiration of two months next after a notice in writing, stating the cause of action, the name and place of residence of the intending plaintiff and shall be, in the case of a Committee, delivered or left at its office and, in the case of any such member, officer, servant or person as is aforesaid, be delivered to him or left at his office or usual place of residence and the plaint shall contain statement that such notice has been so delivered or left.

Liability for loss, waste or misappropriation of money or property.

84. (1) If any member, officer or servant of a Committee makes or directs to make any payment or application of any money or other property belonging to or under the control of such Committee to any purpose not authorised by or under this Act, or the rules made thereunder or assents to, or concurs with or participates in any affirmative vote or proceeding relating thereto, he shall be individually liable to such Committee for the loss or damage caused thereby, unless he proves that he acted in good faith and with due care and attention.

(2) Every member or officer or servant of a Committee shall be liable to such Committee for the loss of any money, or the loss of or damage to other property be-

longing to the Committee or under its control, if such loss or damage is a direct consequence of his negligence or misconduct.

(3) Notwithstanding any thing contained in section 82, a suit under this section may be instituted by Government or the Committee with the previous sanction of Government.

Powers of Committee to compromise suits.

85. Subject to rules made under this Act, a Committee may compromise any suit instituted by or against it, or any claim or demand arising out of any contract entered into by it in accordance with this Act for such sum of money or other compensation as shall be deemed sufficient.

CHAPTER VII.

Duties and Powers of the Committee.

Duties of Committee.

86. (1) The Committee shall, in addition to the duties imposed upon it by this Act or by any other law for the time being in force, so far as the funds at its disposal may admit, make adequate provision for the following matters, namely :—

(a) lighting public streets and places,

(b) watering public streets and places,

(c) cleaning pubilc streets, places and sewers and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Committee or not, removing noxious vegetations, and abating all public nuisances,

(d) disposing of night-soil and rubbish and preparation of compost manure from such night-soil and rubbish,

(e) extinguishing fire and protecting life and property when fire occurs,

(f) regulating or abating offensive or dangerous trades or practices,

(g) maintaining swimming pools and public parks and removing obstructions and projections in public streets or places, and in spaces, not being private property, which are open to the enjoyment of the public, whether such places are vested in the Committee or belong to the Government,

(h) securing or removing dangerous buildings and places and reclaiming unhealthy localities,

(i) acquiring, maintaining, changing and regulating places for the disposal of the dead,

(j) constructing, altering and maintaining public streets, culvert, boundary marks of the municipality, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage works, sewage-works, baths, washing places, drinking fountains, tanks, wells, dams and the like,

(k) obtaining supply or additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants and their domestic animals from the insufficiency or unwholesomeness of the existing supply when such supply can be obtained at a reasonable cost.

(l) naming streets and numbering houses,

(m) registering births and deaths,

(n) public vaccination,

(o) providing suitable accommodation for any calves, cows, or buffaloes required within the Municipality for the supply of animal lymph,

(p) printing and publishing annual reports on the administration of the Municipality,

(q) taking such measures as may be required to prevent the outbreak, spread or recurrence of infectious diseases.

(r) the construction, management and maintenance of cattle ponds, including all the functions of the First Class Magistrate, District Magistrate, Sessions Judge, High Court and the Government under sections 4, 5, 6, 8, 9, 10, 13, 14, 16, 24, sub-sections (1), (2) and (4) of section 26 and the rules made under section 27 of the Hyderabad Cattle Trespass Act, 1337 F. (V of 1337 F.),

(s) the management of such public ferries as may be entrusted to its charge :

Provided that the Government may exempt any Municipality from any of the provisions of this sub-section, or may declare that in regard to any Municipality any of the foregoing duties shall be deemed to be discretionary powers within the meaning of section 87.

(2) No suit for damages or for specific performance shall be maintainable against any Committee, or any officer or member thereof, on the ground that any of the

duties specified in sub-section (1) have not been performed.

Discretionary Power of the Committee.

87. The Committee may provide from time to time either wholly or partly, for all or any of the following matters, namely :

(a) establishing and maintaining public hospitals and dispensaries, and providing public medical relief ;

(b) laying out, whether in areas previously built upon or not, new public streets and localities and acquiring land for that purpose including plots of land for building to abut on such streets ;

(c) constructing, establishing or maintaining recreation grounds, gardens, town halls and other public buildings, camping grounds, rest-houses, and vehicle stands;

(d) furthering educational objects ;

(e) planting and maintaining roadside and other trees ;

(f) the encouragement and development of co-operative societies and of other measures to remove indebtedness and poverty ;

(g) the revival or promotion of cottage industries ;

(h) the improvement of cattle and other livestock;

(i) providing facilities for antirabic treatment and meeting expenses of indigent persons undergoing such treatment within or without the Municipality;

(j) providing special medical aid and accommodation for the sick in time of outbreak of infectious diseases ;

(k) the destruction of vermins, birds or animals causing a danger or nuisance and the confinement or destruction of stray dogs ;

(l) giving relief and establishing and maintaining relief work in time of famine or scarcity ;

(m) the establishment and maintenance of maternity homes and child welfare centres and the taking of other measures for the care of mothers and children;

(n) constructing houses for persons belonging to lower income class and the housing of any class of servants employed by the Committee ;

(o) constructing, establishing or maintaining houses for orphans, beggars, cripples, destitutes or aged persons ;

(p) the holding of exhibitions, atheletics or games ;

(q) the regulation of lodging houses, camping grounds and rest-houses ;

(r) the organisation, maintenance, or management of transport facilities for the conveyance of the public or goods ;

(s) the establishment and maintenance or the aiding of libraries, museums and art galleries, botanical or zoological collections and the purchase or construction of buildings therefor ;

(t) contribution towards any public fund raised for the Relief of human suffering within or without the limits of the Municipality ;

(u) the granting of rewards for information which may tend to secure the correct registration on vital statistics ;

(v) establishing and maintaining a farm or factory for the disposal of sewage ;

(w) the surveying of buildings or lands ;

(x) the making of a contribution towards any public ceremony or entertainment within the limits of the Municipality ;

(y) Constructing, establishing or maintianing theatres to promote art and culture ;

(z) any other matter not herebefore specially named which is likely to promote the health, safety, comfort and convenience of the public.

Social and economic measures.

88. The Government may, at any time, in consultation with the Committee or Committees concerned by a notified order require a Committee or Committees to undertake on such terms and conditions such measures for the improvement of social and economic status of the inbitants as shall be specified in the said order.

CHAPTER VIII.

REVENUE AND EXPENDITURE.

1. The Municipal Fund.

Constitution of Municipal Fund.

89. There shall be formed for each Municipality a Municipal Fund and there shall be placed to the credit thereof—

(a) all taxes, toll and fees imposed and all other

moneys received by or on behalf of the Committee under the provisions of this Act or of any other law for the time being in force or under any contract;

(b) all rents and profits accruing from the properties and utility services which are or have been bought, constructed or maintained from the Municipal Fund or from properties and utility services otherwise vested in the Committee;

(c) the proceeds of all public ferries established within Municipal limits under the Hyderabad Ferries Act, 1314 F. (II of 1314 F.), and all penalties and fines realised under the Acts in cases arising within Municipal limits in respect of such ferries;

(d) all fines recovered from persons convicted and all sums recovered on account of composition under section 294 for offences committed against this Act or the rules or bye-laws made thereunder;

(e) all grants and assignments of revenue and contributions made by the Government, local authorities and private individuals;

(f) all sums received on account of fines and unclaimed sale proceeds under the provisions of the Hyderabad Cattle Trespass Act, 1337 F. (V of 1337 F.);

(g) the accumulated balances of the Municipal Fund at the commencement of this Act.

Custody and investment of Municipal Fund.

90. (1) The Municipal Fund shall be vested in the Committee and shall be kept in such Government treasury or such bank to which Government treasury business has been made over.

(2) The Committee may, from time to time, with the previous sanction of the Government, invest any portion of its fund in securities of the Government or in such other securities, including fixed deposits in banks, as the Government may approve in this behalf, and may vary such investments for other of like nature, and the income resulting from the securities shal be credited to the Municipal Fund.

Application of Fund.

91. (1) The Committee shall set apart and apply annually out of the Municipal Fund—

(a) firstly such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it.

(b) secondly such sum as may be required to meet the charges of its own establishment under section 65

and contribution towards Local Government Service Fund under sub-section (4) of section 66,

(c) thirdly, the cost of the construction and maintenance of buildings for the offices of the Committee.

(2) Subject to the charges specified in sub-section (1) and to rules made under this Act, the Municipal Fund shall be applicable only to the payment of the charges and expenses incidental to the several matters specified in sections 86 and 87 and to all other purposes for which by or under this Act or any other law for the time being in force powers are conferred or duties imposed upon the Committees and also to the following purposes namly:

(a) grants of loans to employees.

(b) (i) the payment of monthly allowance to the President,

(ii) the payment to members of the Committee of daily allowance for attending meetings and of expenses incurred in travelling for the purposes of the business of the Committee and any Sub-Committee thereof, as may be prescribed,

(c) grants-in-aid to schools, hospitals, maternity homes, dispensaries (including veterinary dispensaries), public libraries and other libraries, laper asylums, poor houses and educational or charitable institutions established for purposes of public benefit,

(d) contribution to any work or institution from which the Municipality benefits although such work or institution is undertaken or maintained outside the Municipal or Town limits,

(e) contributions towards any public fund raised for the relief of human or animal suffering within or without the Municipal or Town limits,

(f) any public reception, ceremony or entertainment,

(g) compensation to any person sustaining any damage by reason of the exercise of any power vested in the Committee, its members, officers or servants under this Act or the rules made thereunder and,

(h) with the previous sanction of the Government any other purpose, wherein the expenditure of the Municipal Fund is in public interest:

Provided that no expenditure shall be incurred under clauses (c) and (f) save in pursuance of a resolution

passed at a meeting and supported by two thirds of the total number of members.

(2) Municipal Budget and Acounts.

Finance Sub-Committee and Budget Estimates.

92. (1) Every Committee shall appoint a Finance Sub-Committee consisting of the President and not less than three of its members.

(2) Every year the Committee shall on or before the prescribed date, hold a meeting at which the Finance Sub-Committee shall submit budget estimates of the income and expenditure of the Committees for th coming year.

(3) The Committee shall consider the estimates and may approve of them with or without modification :

Provided that no estimates shall be approved unless the minimum amount standing to the credit of the Committee at the end of the year is equivalent to the amount required for the paymnt of salaries of the officers and servants of the Committees and for defraying the expenses of contingencies for at least six months.

(4) The Committee shall forward its estimates as finally approved by it to the Government.

(5) The Government before confirming the estimates may make such changes therein as it considers necessary in order that the estimate may comply with the requirements of this Act, or the rules thereunder or of any other law for the time being in force.

(6) If the Government considers other changes desirable whether by way of omitting, increasing or reducing any provision or of inserting a provision for income or expenditure not appearing in the estimates as submitted by the Committee, it shall be bound, before effecting any such changes, to refer the estimates back to the Committee together with the changes considered desirable to be made therein for its opinion, and shall give due consideration to any opinion received from the Committee within one month from the despatch of the reference to the Committee.

(7) On the receipt of the Committee's opinion or on the expiry of one month as aforesaid without any reply from the Committee, the Government may modify the estimate by adopting in whole or in part the changes suggested by it to the Committee and confirm the estimates thus changed.

(8) Notwithstanding anything contained in sub-section (4) Government may by notification in the official gazette declare the budget estimates of the Committees specified therein shall not be subject to approval of Government.

Expenditure from Municipal Fund.

93. Nothing in Section 92 shall be deemed to prevent the Committee during the first quarter of the financial year or till the budget is sanctioned whichever is earlier from paying from its Fund in the local treasury or bank the cost of the sanctioned establishment and contingencies.

Accounts.

94. (1) The Committee shall keep such accounts and submit such statements to the Government as may be prescribed.

(2) Accounts of the receipts and expenditure of every Committee shall be maintained to the last day of every financial year in such form as may be prescribed. These annual acounts and all accounts kept under sub-section (1) shall be examined and audited, as soon as may be, after the end of each financial year by such persons as the Government may appoint in this behalf.

(3) An abstract of every annual account of a Committee showing the income of the Munimipal Fund under such head of receipts, the charges for establishment, the works undertaken, the sum expended on each work, the balance, if any, of the fund remaining unspent, and such other information as may be required by the rules framed under this section, shall be prepared by the Committee in such form or forms as may be prescribed, and forwarded to the Government not later than the 15th day of the first month of the next financial year and published annually in such manner and in such language as may be prescribed.

Inspection of accounts by the public.

95. The Committee shall keep at its office a copy of the Budget estimates of the current financial year and of every estimate approved and of accounts maintained under this Chapter and any person who is registered in the list of voters for the time being in force as a voter of any constituency of the Municipality or who has during the year paid any tax to the Committee, may at any resonable time inspect any such estimate or account subject to such conditions as may be prescribed.

CHAPTER IX.

MUNICIPAL TAXES.

(1) Imposition.

Taxes which may be imposed.

96. (1) (i) For the purposes of this Act, a Committee shall impose the following taxes namely :—

(a) taxes on lands and buildings ;

(b) Octroi :

Provided however that a Town Committee may impose Octroi within its limits ;

(c) tax on vehicles ;

(d) tax on animals and boats ;

(e) taxes on professions, trades, callings and employments ;

(f) tax on advertisements other than advertisements published in the newspapers ;

(g) tax on transfer of immovable property ;

(ii) In addition to the taxes specified in clause (i) a Committee may for the purposes of this Act and subject to the provision thereof, also impose any of the following taxes :—

(a) Tax on entertainments ;

(b) a toll on animals and vehicles ;

(c) a pilgrim tax.

(2) The Committee may impose any tax other than those specified in sub-section (1) subject to the previous sanction of the Government.

(3) The taxes specified in sub-sections (1) and (2) shall be assessed, levied and collected in accordance with the provision of this Act and the rules made thereunder.

Property taxes of what to consist and at what rate leviable.

97. (1) The following taxes shall, subject to exception, limitations and conditions herein provided, be levied on buildings and lands within municipal limits and shall hereinafter be referred to as property taxes namely :—

(a) a general tax ;

(b) a general water tax ;

(c) a drainage tax ;

(d) a lighting tax ;

(e) a conservancy tax.

(2) Save as otherwise provided in this Act, these taxes shall be levied at such percentages of their rateable value as may be fixed by the Committee :

Provided that the aggregate of the percentage so fixed shall not in the case of any land or building be less than twelve and half per cent or greater than thirty per cent :

Provided further that in respect of lands which being situated within a municipality are liable to the payment of local cess under Section 135 of the Hyderabad District Boards Act, 1955 (I of 1956), the local cess thus leviable by the Government for payment under Section 136 of the said Act to the Committee shall be deducted from the demand of any property tax that is levied on such lands under this Section.

General tax on what premises to be exempted.

98. (1) The general tax shall be levied in respect of all buildings and lands in the Municipality except—

(a) buildings and lands solely used for purposes connected with the disposal of the dead :

(b) buildings and lands or portions thereof solely occupied and used for public worship, or for a charitable or educational purpose ;

(c) buildings and lands vesting in the Committee ;

(d) buildings and lands vesting in the State Government used solely for public purposes and not used or intended to be used for purposes of profit in respect of which the tax, if said levied, would under the provisions hereinafter contained be primarily leviable from the State Government as the case may be.

(2) The following buildings and lands or portions thereof shall not be deemed to be solely occupied and used for public worship or for a charitable or educational purpose within the meaning of clause (b) of sub-section (1) namely :—

(a) buildings or lands or portions thereof in which any trade or business is carried on ; and

(b) buildings or lands or portions thereof in respect of which rent is derived, either such rent is or is not applied solely to religious or charitable or educational purposes.

(3) Where any portion of any building or land is exempt from the general tax by reason of its being solely occupied and used for public worship or for a charita-

ble or educational purpose such portion shall be deemed to be a separate property for the purpose of municipal taxation.

Payment to be made to Committee in lieu of general tax by the State Government.

99. (1) The State Government, shall pay to the Committee annually in lieu of the general tax from which buildings and lands vesting in the said Governments respectively are exempted by clause (d) of sub-section (1) of Section 98, a sum ascertained in the manner provided in sub-sections (2) and (3).

(2) The rateable value of the buildings and lands in the Municipality vesting in the State Government in respect of which, but for the said exemption, general tax would be leviable from the State Government shall be fixed by a person, from time to time appointed in this behalf by the State Government in consultation with the Committee. The said value shall be fixed by the said person, with a general regard to the provisions contained in this Act and the rules made thereunder concerning the valuation of property assessable to property taxes, at such amount as he shall deem to be fair and reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime, the number or extent of the buildings and lands vesting in the State Government in the Municipality materially increases or decreases.

(3) The sum to be paid annually to the Commitee by the State Government, shall be the amount which would be payable by an ordinary owner of buildings or lands in the Municipality, on account of the general tax, on a rateable value of the same amount as that fixed under sub-section (2).

Conservancy tax on what premises to be levied.

100. (1) The conservancy tax shall be levied only in respect of premises—

(a) situated in any portion of the Municipality in which public notice has been given by the committee that the collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cess pools will be undertaken by Municipal agency; or

(b) in which, wherever situate, there is a privy, water closet, cess pool, urinal, bathing place, or cooking place connected by a drain with a Municipal drain:

Provided that the said tax shall not be levied in respect of any premises situated in any portion of the municipality specified in clause (a) in or upon which, in the

opinion of the Committee no such matter as aforesaid accumulates or is deposited.

(2) Premises in respect of which the Committee has directed that a separate water closet, privy or urinal need not be provided shall be deemed to be liable to the levy of conservancy tax, if, but for such direction, the tax would be leviable in respect thereof.

General Water tax.

101. (1) A Committee may levy a general water tax when public water taps or stand posts have been fixed or are being fixed for the use of the public within the municipal limits.

(2) When in any building or land a private pipe connection is taken the owner of the said building or land shall have to pay either the general water tax or the fee for the private pipe connection whichever be greater:

Provided that in buildings or lands where a metered connection is given the rebate claimable of the general water tax shall not exceed the amount payable for an unmetered pipe connection in that municipality.

Rateable value how to be determined.

102. (1) In order to fix the rateable value of any building or land other than that specified in sub-section (2) assessable to a property tax, there shall be deducted from the amount of the annual rent for which such building or land might reasonably be expected to let from year to year a sum equal to ten per cent., of the said annual rent and the said deduction shall be in lieu of all the allowances for repairs or on any other account whatsoever.

(2) The rateable value of any vacant land not—

(a) appurtenant to a building;

(b) used for agricultural purpose ; and

(c) built upon but capable of being used for buildings; and of land on which a building is in the course of erection shall be fixed at 5 % of the estimated Capital value of the land.

(3) All plant and machinery contained or situate in or upon any building or land and belonging to any of the classes specified from time to time by public notice by the Committee, shall be deemed to form part of such building or land for the purpose of fixing the rateable value thereof under sub-section (1);

(4) A statement setting out clearly the class of plant and machinery specified under sub-section (3) and des-

cribing in detail what plant and machinery falls within each such class shall be prepared by the Committee and shall be open to inspection at all reasonable hours by members of the public at the office of the Committee;

(5) Copies of the statement prepared under sub-section (4) may be kept at the office of the Committee for sale at such price as the Committee may fix.

Refund of Property Taxes.

103. (1) When any building or land or any portion of any premises which has been treated as a separate property for the purpose of assessing the property taxes has been vacant for not less than ninety days the Committee shall subject to the provisions hereinafter contained, refund the property taxes if any to a maximum of one half of the amount paid in respect of such taxes for the number of days that such vacancy lasted.

(2) For the purpose of sub-section (1)—

(a) premises shall be deemed to be vacant only if they are unoccupied and unproductive of rent;

(b) premises shall be deemed to be productive of rent, if let to a tenant having a continuing right of occupation thereof, whether they are actually occupied by such tenant or not;

(c) premises furnished or reserved by the owner for his own occupation whenever required shall be deemed to be occupied, whether they are actually occupied by the owner or not;

(d) premises used or intended to be used for the purposes of any industry which is seasonal in character shall not be deemed to be vacant merely on account of their being unoccupied and unproductive of rent during such period or periods of the year in which seasonal operations are normally suspended;

(c) a vacancy which has continued during the whole of the month of February shall be deemed to have continued for not less than thirty consecutive days.

Profession Tax.

104. (1) Every company which transacts business in the Municipality for not less than sixty days in the aggregate in any half year, and every person, who in any half year—

(a) exercises a profession, trade or calling or transacts business or holds any employment, public or private—

(i) within the Municipality for not less than sixty days in the aggregate, or

(ii) without the Municipality but who resides in the Municipality for not less than sixty days in the aggregate, or

(b) resides in the Municipality for not less than sixty days in the aggregate and is in receipt of any pension or income from investments,

shall pay a half-yearly tax not exceeding the rate specified in schedule 'A'.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax:

Provided that—

(a) no person whose aggregate monthly income does not exceed rupees one hundred shall be liable to pay the profession tax;

(b) the Profession tax shall not be levied on agricultural income; and

(c) the proportion, which the tax on any class bears to the minimum income of that class shall in no case be smaller than the proportion which the tax on any lower class bears to the minimum income of such lower class.

(3) Nothing contained in this section shall be deemed to render a person, who resides within the local limits of one local authority and exercises his profession, trade or calling or transacts business or holds any employment within the limits of any other local authority or authorities, liable to profession tax for more than the higher of the amounts of the tax leviable by any of the local authorities. In such a case the Government shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the Government shall be final:

Provided that where one of the local authorities concerned is a Cantonment Board the decision of the Government shall be subject to the concurrence of the Central Government.

(4) The profession tax leviable on a firm, association or joint Hindu Family may be levied from any adult member of the firm, association or family.

(5) Where one company or person is the agent of another company or person, the former company or per-

son shall not be liable separately to the profession tax, on the same income as that of the principal.

(6) All statements made, returns furnished or accounts or documents produced in connection with assessments of profession tax by any company or person shall be treated as confidential and copies thereof shall not be granted to the public.

Tax on vehicles, boats and animals.

105. (1) A tax at a rate, the maximum and minimum whereof are specified in Schedule 'B' shall be levied half-yearly on vehicles, boats and animals used for riding, driving, draught or burden and on dogs, where such vehicles, animals, or dogs are kept within the Municipality.

(2) The following vehicles, boats and animals shall be exempted from this tax:

(a) vehicles, boats and animals belonging to the Committee;

(b) vehicles, boats and animals belonging to the Government, used or intended to be used for public purposes and not used or intended to be used for purpurposes of profit;

(c) vehicles and boats intended exclusively for the conveyance of the injured, sick or dead free of any charge;

(d) carts and draught animals belonging to agriculturist and used in agricultural work;

(e) animals used for drawing vehicles on which tax has been paid;

(f) children's parambulators and tricycles.

Tax on transfer of immovable property.

106. (1) The tax on transfer of property (hereinafter referred as transfer tax) shall be levied :—

(a) in the form of a surcharge on the duty imposed by the Hyderabad Stamp Act for the time being in force on every instrument of the description specified below which relates to immovable property situated within the Municipality; and

(b) at a rate of two percentum on the amount specified below against each instrument :—

Description of Instrument	Taxable Amount
(i) Sale of immovable property.	The amount or value of the consideration for the sale, as set forth in the instrument.

(ii) Exchange of immovable property.	The value of the property of the greater value, as set forth in the instrument.
(iii) Gift of immovable property.	The value of the property as set forth in the instrument.
(iv) Mortgage of immovable property.	The amount secured by the mortgage, as set forth in the instrument.

(2) All the provisions of the Hyderabad Stamp Act for the time being in force and the rules made thereunder shall **mutatis mutandis** apply to the transfer tax as they apply in relation to the duty chargeable under that Act.

(3) No registering authority shall accept any instrument of the description specified above for registration unless the amount of transfer tax is paid in cash.

(4) Every registering authority shall maintain an account of the transfer tax paid in respect of each instrument registered by him and a separate account showing the amount of the consideration, the value of the property or the amount secured by a mortgage as the case may be.

(5) The transfer tax collected under this Act shall be credited to the Municipal Fund. In the absence of an agreement to the contrary the transfer tax shall be paid by the person who is primarily liable for the payment of Stamp duty in respect of the instrument executed.

Toll.

107. (1) Subject to the provisions of this section and to such conditions as may be prescribed, a toll, the maximum and minimum whereof are specified in Scheduled 'C' shall be leviable on—

(a) every vehicle, other than children's parambulators, tricycles, and

(b) every animal used for driving draught or burden which enters the Municipal limits :

Provided that the toll shall not be leviable on any such vehicles or animal more than once on any one date.

(2) The following vehicles or animals shall be exempted from the levy of the toll :—

(a) those belonging to the Government and the Committee but not used or intended to be used for purposes of profit;

(b) those used as conveyance of Government or District Board officials, or their luggage, while travelling on duty ;

(c) those used for the conveyance of persons or property in the custody of a police officer ;

(d) those belonging to agriculturists, and kept within the municipal limits and used for agricultural work ;

(e) those for which vehicle and animal tax under section 105 has been paid ;

(f) animals drawing a vehicle on which the toll is levied;

(g) those exempted by the Government by a general or special order.

(3) When by an order made under clause (g) of sub-section (2), the Government exempts the through traffic through the limits of the Municipality, the Government may, in consultation with the Committee fix the routes therefor.

(4) Any owner of a vehicle or animal may commute payments of the toll at such rates and in such manner as may be prescribed.

Pilgrim tax.

108. (1) A pilgrim tax subject to a maximum of eight annas and a minimum of two annas per capita per day, shall be leviable at a flat rate on persons over twelve years of age, visiting a shrine, Urs or Jatra within the limits of the Municipality.

(2) Unless otherwise decided by a resolution passed ty two thirds of the total number of members, no portion of the proceeds of such tax shall expended for purposes other than making arrangements for the health and comfort of the pilgrims resorting to or the improvement or development of such local area.

Octroi at what rates and on what articles leviable.

109. Except as hereinafter provided, octroi, at rates not exceeding those respectively specified in Schedule 'D' shall be levied in respect of the several articles mentioned in the said schedule or of so many of them as the Committee shall from year to year, determine when the said articles are imported from any place into the Municipality.

Tables of rates of octroi to be affixed on certain places.

110. The Committee shall cause tables of octroi for the time being leviable, specifiying the rates at which and the articles on which the same are leviable to be published in the daily newspapers having a circulation in the area under the jurisdiction of the Committee and to be affixed in a conspocuous positon at every place at which the same octroi is levied.

Exemption of articles belonging to Government from octroi and refund of octroi on articles becoming property of Government.

111. (1) No Octroi shall be leviable on any article which, at the time of its importation, is certified by an officer empowered by the Government in this behali to be the property of the State, to be used or intended to to be used solely for public purposes and not to be used or intended to be used for purposes of profit.

(2) If any article on which octroi is payable is imported under a written declaration signed by the importer that such article is being imported for the purpose of fulfilling a specified contract with the Government or otherwise for the use of the Government the amount if any, of the octroi paid theron shall be refunded in full, on production, at any time within six months after importation, of a certificate signed by an officer empowered by the Government in this behalf stating that the article so imported has become the property of the Stae, is used or intended to be used solely for a public purpose and is not used or intended to be used for purposes of profit.

Exemption of articles imported for immediate exportations.

112. Any article imported into the Municipality for the purpose of immediate exportation may at the option of the importer be exempted from the levy of octroi if such article is conveyed direct from the place of import, to the place of export by such routes, within such time, under such supervision and on payment of such fees therefor as shall be determined by the Committee.

Refund of octroi on export.

113. (1) When any article upon which octroi has been paid shall be exported, from the Municipality, the full amount of the octroi so paid, shall, subject to the provisions hereinafter contained be refunded.

(2) Such refunds shall be paid under such rules as shall from time to time be framed in this behalf.

Entertainment tax.

114. The Entertainment Tax shall be levied on all payments for admission to a theatre, cinema, carnival or to any other place of entertainment at rates the maximum and minimum whereof are specified in Schedule 'E':

Provided that the entertainment tax shall not be leviable in respect of entertainment, performance or show—

(a) for admission to which no charge or only a nominal charge as may be prescribed is made;

(b) which is not open to the general public on payment;

(c) the proceeds of which are intended to be utilised for a public, charitable, educational or cultural purpose.

Other fees etc.

115. The Committee may levy and collect any one or more of the following fees as may appear to it proper and subject to the provisions of chapter VI form out such fees on such terms and such conditions as it may deem fit—

(a) fees on vehicles or pack animals bringing goods for sale into a public market;

(b) fees for the use of or for the right to expose goods for sale in a public market;

(c) fees for the registration of cattle sold within Municipal limits;

(d) fees for the animals brought for slaughter in the Committee's slaughter houses.

Water pipe connection fee.

116. Subject to such rules as may be prescribed, the Committee may levy and collect fees for the supply of water through metered or unmetered private pipe connections.

Power to charge fees for licences.

117. If any licence is granted by a committee under this Act or any rules or bye-laws made thereunder or if permission is given by a Committee for making any temporary occupation of any public street, the Committee may charge a fee for such licence or permission.

Power to charge rent or fees for the use of buildings or lands.

118. The Committee, or any person generally or specially authorised by the Committee in this behalf, may collect such rent or fees as may be fixed by bye-laws made under this Act for the use of any building or land belonging to or under the control of the Committee.

Procedure in imposing taxes.

119. (1) No tax shall be imposed under section 96 unless the Committee shall, at a special meeting convened for that purpose, have passed a resolution proposing the imposition of such tax:

Provided that in the case of pilgrim tax leviable under section 108 no such resolution shall be valid unless passed by a majority of two thirds of the total number of mebers.

(2) When such a resolution has been passed the committee shall publish, as prescribed, a notice defining the class or persons or description of property proposed to be taxed, the rate of tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant of the Municipality objecting to the proposed tax may, within thirty days from the publication of the notice submit his objection in writing to the Committee.

(4) The Committee shall take the proposals and all objections received thereto into consideration at a special meeting and shall determine by resolution to levy the tax. Such resolution shall specify the rate at which and the date from which such tax shall be levied. If the Committee decides to modify the proposals so as to affect their substance it shall publish them again in the manner specified in sub-section (2).

(5) When the Committees shall have determined to levy any tax it shall publish a notification in the official Gazette and in such other manner as may be prescribed specifying the rate at which and the date from which such tax shall be levied.

(6) A notification of the imposition of a tax under this section shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act and the rules made thereunder.

Procedure for abolishing or varying taxes.

120. (1) The Committee may, at a special meeting pass a resolution to propose the abolition of any tax already imposed under section 119 or a variation in the rate thereof.

(2) Any such proposal shall be dealt with according to the procedure laid down in section 119 for the imposition of a new tax, and the notification of the abolition or variation of a tax under this section shall be conclusive prof that such abolition or variation has been made in accordance with the provisions of this Act and the rules made thereunder:

Provide that if a Committee is indebted to the Government the rates of the taxes already levied shall not be reduced without the sanction of the Government.

Procedure of suspending or exempting from taxes.

121. The Committee may by a resolution passed at a special meeting, by a majority of two-thirds of the total number of members, suspend the operation of any tax within any part of the Municpality for any specified period, or exempt in whole or in part from the payment of any tax any person or class of persons or any property or description of property.

Power to make rules regulating imposition and collection of fees.

122. The Government may make rules regulating the imposition and collection of fees leviable under this Act, and fix the maximum and minimum rates therefor where such maximum and minimum rates have not been fixed by this Act.

(2) Assessment of taxes.

Power to call for information.

123. The Committee or any officer authorised by it in this behalf may by notice call upon any inhabitant of the Municipality to furnish within a reasonable time such information as may be necessary in order to ascertain—

(a) whether such inhabitant is liable to pay any tax imposed under this Act, and

(b) the amount at which he should be assessed.

Assessment not invalid for defect of form.

124. No assessment and no charge or demand of any tax under the authority of this Act shall be invalid by reason of any clerical error other defct of form, and when any property is described for the purpose of assessing any such tax, it shall be sufficient to describe it in such a manner that it shall be generally known and it shall not be necessary to name the owner or occupier.

(3) Collection of taxes.

Lease of the right to collect tolls and other fees.

125. (1) Subject to the provisions of Chapter VI, the Committee may generally by public auction or otherwise by private contract, lease the right to collect toll which may be imposed under clause (d) of section 96 or fees which may be imposed under section 115 :

Provided that the lessee shall give sufficient security for the due fulfilment of the conditions of the lease.

(2) Where a lease has been given under sub-section (1) the lessee and any person employed by him to collect tolls and fees shall, subject to the conditions of the lease, have the power referred to in sub-section (1) of section 130.

(3) Any sum due from a lessee to a Committee in respect of any toll or fees, leased under this section may be recovered as arrears of tax.

Distraint.

126. (1) When any amount on account of tax, fee, contract auction, lease or any other money claimable under this Act or any fine imposed under this Act or the rules or bye-laws made thereunder is due, the Committee shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the sum claimed as due.

(2) Every such bill shall specify—

(a) the amount of tax or any other money due to the Committee;

(b) the period for which it is due; and

(c) the liability that will be incurred in default of payment.

(3) If the person to whom a bill has been presented as aforesaid does not within 30 days from the presentation thereof either—

(a) pay the sum claimed as due in the bill—

(b) show cause to the satisfaction of the Committee or such officer as the Committee may appoint in this behalf why he should not pay the same; or

(c) prefer an appeal in accordance with the provisions of section 129,

the Committee may cause to be served upon the person liable for the payment of the said sum a notice of demand in Form I of schedule 'F'.

(4) If the person to whom a notice of demand been served under sub-section (3) does not within 15 days from the service of such notice, pay the sum demand in the notice, such sum with all costs of recovery may be recovered under a warant caused to be issued by the Committee in Form II of schedule 'F' or by distress and sale of the movable property of the defaulter.

(5) Every warrant issued under this section shall be signed by the Executive Officer of the Municipality.

(6) Where the property is within the limits of the Municipality, the warrant shall be addressed to a Municipal Officer, where the property is within the limits of another Municpality constituted under this Act or within the jurisdiction of a Corporation Constitu-

ted under the Hyderabad Municipal Corporations Act, 1955 (II of 1956), the warrant shall be addressed to the President of the Municipality or to the Commissioner of the Corporation concerned or to the Tahsildar of the taluq.

(7) It shall be lawful for an officer to whom a warrant issued under this section is adressed, if the warrant contains a special order authorising him in this behalf but not otherwise to break open at any time between sunrise and sunset any outer or inner door or window of a building, in order to make the distress directed in the warrant, where he has reasonable grounds for believing that such building contains property which is liable to be attached under the warrant and if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment set apart for women until he has given sufficient notice of his intention to enter or break open and has given such women an opportunity to remove themselves.

(8) It shall also be lawful for any such officer if authorised by the warrant, to distrain, wherever it may be found, any movable property of the person named in the warrant issued under this section, subject to the following conditions, exceptions and exemptions namely:—

The following property shall not be distrained :—

(a) the necessary wearing apparel, cooking vessels, beds and bedding of the defaulter, his wife and children and such personal ornaments as in accordance with religious usage, cannot be parted with by any woman.

(b) tolls of artisans and where the defaulter is an agriculturist, his implements of husbandry and such cattle and seedgrain as may be necessary to enable him to earn his livelihood as such.

(c) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any articles have been distrained which, in opinion of the Executive Officer, should not have been so distrained, they shall forthwith be released from attachment.

(d) the officer shall, on distraining the property, forthwith make an inventory thereof and shall before removing the same, give to the person in possession

thereof at the time of distraint a copy of the inventory and a written notice in Form III of schedule 'F'.

(9) When the property seized is subject to speedy and natural decay, or when the expenses of keeping it in custody together with the amount to be levied is likely to exceed its value, the Executive Officer shall at once give notice to the person in possession thereof at the time of distraint, to the effect that it will be sold at once and shall sell it accordingly unless the amount specified in the warrant be forthwith paid.

(10) If the property seized is not sold at once under sub-section (9), the property distrained or a sufficient portion therof, may, unless the warrant is suspended by the Executive officer of the sum due by the defaulter, together with all costs incidental to the notice, warrant, and distress and detention of the property, is paid, on the expiry of the time specified in the notice served by the officer, executing the warrant, be sold by public auction and the proceeds or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

(11) The surplus, if any shall be forthwith credited to the Municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint. If the surplus amount is claimed by a written application to the Committee within one year from the date of the notice given under this sub-section, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the Committee.

(12) Where the warrant is addressed outside the Municpality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such a case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply **mutatis mutandis.** Such officer shall, after deducting all costs of recovery incurred by him, remit the amount recoverd under the warrant to the authority by whom it was issued, who shall dispose of the same in accordance with provisions of this section.

(13) The fee for—

(a) every warrant issued under sub-section (5),

(b) every distress made under sub-section (8) and

(c) the cost of maintaining any livestock seized under this section,

shall be chargeable at the prescribed rates and shall be included in the costs of recovery.

Recovery from defaulters about to leave jurisdiction of Committee, fees, etc.

127. (1) If the Committee shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this Chapter is due or is about to become due, is likely to leave the jurisduction of the Municpality, the Committee may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof.

(2) If on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the movable property of the defaulter in the manner hereinbefore mentioned except that it shall not be necessary to serve upon the defaulter any notice of demand and the warrant for distress and sale may be issued and executed without any delay.

Limitation for recovery proceedings.

128. No distraint shall be made for the recovery of any sum due to a Committee under this Act after the expiration of six years from the date on which such sum becomes due. The Committee may within three years after the expiry of the said period of six years institute a suit for recovery of the said sum.

Appeal to the District Judge.

129. (1) An appeal against any claim included in a bill presented under sub-section (1) of section 126 shall lie to the District Judge with whose jurisdiction the Municipality is situated.

(2) No apppeal under sub-section (1) shall lie unless—

(a) the appeal is preferred within 30 days after presentation of the bill complained of;

(b) the amount claimed from the appellant has been deposited by him in the office of the Committee.

(3) The decision of the District Judge shall be final, but the High Court may at any time either of its own accordance or at instance of either party, revise the said order.

(4) The Committee shall give effect to the decision of the said District Judge or of the High Court, as the case may be.

(5) The following Court fee shall be levied on appeal and application for revision:—

(a) on appeal filed before the District Judge—One rupee.

(b) on revision filed before the High Court—Two rupees.

Procedure in case of non-payment of toll.

130. (1) If any toll leviable under section 107 or fees leviable under section 115 is not paid on demand, the person appointed to collect it may seize and detain such portion of the load of any animal or vehicle on which the toll or fee is chargeable or such portion of the goods exposed or about to be exposed for sale by the person from whom it is due, as in his opinion will suffice to defray the amount of toll or fee due; and in the absence of any load on an animal or vehicle on which a toll or fee is chargeable or if the value of the load is not enough to derfay the sum due, may seize and detain the animal or vehicle.

(2) All property seized under sub-section (1) shall be sent within twenty four hours to the executive officer or such officer as he may authorise in this behalf, and the Executive Officer or such officer shall forthwith give notice to the proprietor of the property seized or if the proprietor is not known, or is not resident within the limits of the Municipality, to the person who was in charge of the said property at the time when it was seized, or if such person cannot be found, publish by beat of drum that after the expiry of the four days from the date of the service or publication of such notice, the property shall be sold by auction at a place specified in the notice:

Provided that when any property seized is subject to speedy and natural decay, it shall be taken forthwith to the Executive officer or such officer as he may authorise in this behalf, and the Executive officer or such officer shall cause it to be sold.

(3) If at any time before the sale is complete the amount due together with all charges incurred in connection with the seizure, detention and publication by beat of drum and proceedings of sale is tendered to the Executive Officer or to the officer authorised as aforesaid, the property seized shall forthwith be released.

(4) If no such tender is made, the sale of the property may be completed and the proceeds of the sale applied to the payment of—

(i) the amount due on account of the toll or fee;

(ii) the charges incurred in connection with the seizure, detention, publication by beat of drum and sale.

Liability of land, buildings, etc. for taxes.

131. Any tax or sum leviable under this Act in respect of any building or land shall, subject to prior payment of land revenue, if any, due to Government thereupon, be a first charge upon the building or land, in respect of which the said tax or sum is leviable, and upon the movable property, if any found belonging to the person liable for such sum or tax:

Provided that no arrears of any such sum or tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation:

Provided further that in the absence of a contract expressed or implied to the contrary, if any sum is paid by or recovered from an occupier under this Act, he shall be entitled to credit therefor in acount with the person primarily liable for the same.

Receipts to be given for all payments.

132. For all sums paid on account of any tax under this Act, a receipt stating the amount and the tax on account of which it has been paid, shall be tendered by the person reciving the same.

Bar of suit and other proceedings.

133. No objection shall be taken to any valuation, assessment or levy of tax nor shall the liability of any person to be assessed or taxed be questioned by any authority other than that provided for in this Act.

Refunds.

134. No refund of any tax shal be claimed by any person otherwise than in accordance with the provisions of this Act and the rules made thereunder.

Power to write-off irrecoverable taxes.

135. Subject to such rules as may be prescribed, the Committee may, with the approval of the Government write-off any tax, fee or other amount due to it which in its opinion is irrecoverable:

Provided that where the amount is due not under a contract, the Municipal Committee or a Town Committee may write off the amount upto Rupees five hundred and Rupees Two hundred and Fifty respectively:

Provided further that no amount shall be written off unless a resolution to that effect is passed by three-fourths of the total number of members of the Committee.

Recovery of arrears of taxes and other dues.

136. Notwithstanding any other mode of recovery provided by this Act, any arrear of any tax or any amount due to the Committee under a contract, agreement, lease, auction, security or indemnity bond or otherwise or any other money due to the Committee under this Act or the rules or bye-laws made thereunder together with any sum on account of process fees which may be fixed by rules made under this Act and with interest at a rate not exceeding six and a quarter per centum per annum, shall also be recoverable on the application of the Committee as if it were arrears of land revenue :

Provided that no interest shall be so recovered in any case in which the competent revenue officer, for reasons to be recorded in writing, considers it inexpedient that interest should be charged.

CHAPTER X.

POWERS TO REGULATE STREETS AND BUILDINGS.

(1) Streets.

Power regarding streets, etc.

137. (1) It shall be lawful for the Committee to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge or otherwise improve such streets.

(2) In laying out or making or in turning, diverting, widening, opening, enlarging or otherwise improving any public street, the Committee may in addition to the land required for the carriage-way and foot-ways and drains thereof, purchase such land as may be necessary for the houses and buildings to form the said street.

(3) When the Committee considers that in any street, not being a public street, or in any part of such street, within the Municipality, it is necessary for public health, convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning therof, the Committee may, by written notice require the respective owners of the lands or buildings fronting, adjoining or abutting upon such street or part thereof, to carry out such work in a manner and within a time to be specified in such notice.

(4) If such notice is not complied with during the time specified, the Committee may, if it thinks fit, exe-

cute the work mentioned or referred to therein and may recover as arrears of municipal tax the expenses incurred in doing so from the owners in default according to the frontage of their respective lands or buildings and in such proportion as may be decided by the Committee.

(5) After such work has been carried out by such owners or, as provided in sub-section (4) by the Committee at the expense of such owners the street or part thereof in which such work has been done may, and on the joint requisition of a majority of the said owners shall be declared by a public notice, put up at the street or part thereof by the Committee, to be public street.

(6) The Committee may, at any time by notice fixed up in any street or part of a street not maintainable by the Committee give intimation of its intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or the majority of owners of such street or such part of a street lodges or lodge objections thereto at the office of the Committee the Committee may by notice in writing put up in such street, or such part declare the same to be a public street.

(7) Any person aggrieved by an order rejecting his objection against the notice issued under sub-section (3), may appeal within 30 days from the date thereof to the Collector, who shall give the appellant and the Committee a reasonable opportunity of being heard.

(8) The appellate authority may for sufficient cause, extend the period allowed for appeal.

Powers to close streets and to permit temporary occupation of streets.

138. (1) The Committee may—

(a) close temporarily any public street or any part therof for the purpose of repairs or of constructing any sewer, drain, culvert or bridge or for any other public purpose ;

(b) divert, discontinue or close permanently any public street, subject to any rules made under this Act.

(2) The Committee may grant permission in writing for the temporary occupation of any street or land vested in the Committee for the purpose of depositing any building materials or making any temporary exacavation therein or erection theron subject to such conditions as may be prescribed for the safety or convenience of persons passing by or dwelling or working in the neigh-

bourhood and may at its discretion withdraw the permission.

Powers to specify building line and street alignment.

139. The Committee may—

(a) Specify for any public street a building line or a street alignment or both;

(b) from time to time specify a fresh line in substitution for any line so specified or any part thereof:

Provided that in either case—

(i) at least one month previous to specifying such line or such fresh line, as the case may be, the Committee shall give public notice of the proposal and shall put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be specified,

(ii) the Committee shall consider all objections to the said propsal made in writing and delivered at the office of the committee within such time as may be specified in such public or special notice.

Building not to be constructed within street alignment or building line.

140. (1) No person shall construct any portion of any building within a street-alignment defined under section 139.

(2) No person shall erect or add to any building between a street-alignment and a building line specified under section 139 except with the permission of the Committee.

Setting back projecting building or walls.

141. (1) When any building or part thereof abutting on a public street is within a street-alignment specified under section 139, the Committee may, whenever it is proposed—

(a) to rebuild such building or to take it down to an extent exceeding one-half thereof above the ground-level, such half to be measured in cubic feet, or

(b) to remove, reconstruct, or make any addition to any portion of such building within the street-alignment in any order which it may issue concerning the rebuilding, alteration or repair of such building, require such building to be set back to the street-alignment.

(2) When any building or any part thereof, within the street-alignment, falls down, or is burnt down, or is, whether by order of the Committee or otherwise, taken down, or when any private land without any building thereon lies within the street-alignment, the Committee

may forthwith take possesion of the portion of the land within the street-alignment and if necessary acquire it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the Committee.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the Committee takes possession of any land under sub-section (2), the Comittee shall forthwith make full compensation to the owner for any damage in respect thereof.

Power to allow building to be set forward.

142. The Committee may, subject to such conditions as it may deem necessary allow any building to be set forward for the improvement of the line of the street.

Prohibition of immovable encroachments upon street, etc.

143. (1) No person shall, without written permission of the Committee, build or erect any immovable encroachment upon the ground-level of any street or over or on any sewer, drain or water-course, or build or make any immovable over-hanging structure projecting into a street at a point above the said ground-level.

(2) When any person has been convicted under section 274 the Committee may—

(a) by notice, require such person to remove the encroachment or overhanging structure and, where necessary to restore the street, sewer, drain or water-course to the condition it was in before the encroachment, and

(b) if the requirement is not complied with within the time fixed in the notice, have the required act done by its officers at the expense of such person and recover the cost of the required act from such person as an arrear of municipal tax.

Prohibition of movable encroachments upon street, etc.

144. (1) No person shall, without the written permission of the Committee—

(a) place in front of any building any movable encroachment upon the ground-level of any street or over or on any sewer, drain, or water-course any movable overhanging structure projecting into the street at a point above the said ground-level,

(b) take up or alter the pavement or other materials or the fences or parts of any street,

(c) deposit building materials, goods for sale, or other articles of merchandise on any street,

(d) make any hole or excavation on, in or under any street, or remove materials from beneath any street, so as to cause risk of subsidence.

(2) The Committee may—

(a) remove or cause to be removed by the police any such movable encroachments or overhanging structures and any such materials, goods or articles of merchandise,

(b) order the encroacher summarily to restore the street to the condition it was in before any such alteration, excavation or damage, and if he fails to comply with the requisition contained in the notice the Committee may cause the street to be restored to its previous condition and the expenses of such restoration shall be recoverable from the encroacher.

Explanation.—For the purpose of this section "movable encroachment" includes a seat or settle, and "movable overhanging structure" includes an awning of any material.

New streets.

145. (1) Every person intending to lay out or make any new street shall give notice in writing thereof to the Committee, and shall furnish plans and sections showing the intended levels, means of drainage, direction and width of such street, and the levels, means of drainage, direction and width of every such street shall be fixed or approved by the Committee :

Provided that such person and the Committee shall be bound to comply with the requirements of a master plan, town development plan or local lay-out sanctioned under section 244.

(2) Before passing an order under sub-section (1) the Committee may either—

(a) issue a provisional order directing that for a period therein specified, which shall not be longer than two months from the date of such order, the intended work shall not be proceeded with, or

(b) demand further particulars.

(3) If within two months from the receipt of the notice given under sub-section (1), the Committee have, neither passed orders and served notice thereof either fixing or disapproved the proposals submitted under sub-section (1), nor, under sub-section (2) issued any provisional order or demand for further particulars, or if the Committee, having issued such demand for, and having received, in

accordance with the demand and with the rules prescribed in this behalf, such further particulars, have issued no further orders within two months, from the receipt of such particulars, then the street may be laid out and made in such manner as may have been specified in the notice, and as is not inconsistent with any provision of this Act or of any rule or bye-law made thereunder,

Power to name street and number buildings

146. The Committee may subject to any rules prescribed in this behalf, cause a name to be given to any street and to be affixed on any building in such place as it may think fit, and may also cause a number to be affixed to any building, and in like manner may, from time to time, cause such names and numbers to be altered.

Power to attach lamp brackets to buildings.

147. The Committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any damage thereto or inconvenience.

Regulations as to sky-signs.

148. (1) No person shall, without the written permission of the Committee, erect, fix or retain any sky-sign, whether now existing or not, and no such written permission shall be granted or renewed, for any period exceeding two years from the date of each such permission or renewal:

Provided that in any of the following cases a written permission or renewal by the Committee under this section shall become void, namely:—

(a) If any addition to the sky-sign be made except for the purpose of making it secure under the direction of the Municipal Engineer;

(b) If any change be made in the sky-sign or any part thereof;

(c) If the sky-sign or any part thereof fall either through accident, decay or any other cause;

(d) If any addition or alteration be made to, or in, the building or structure upon or over which the sky-sign is erected, fixed or retained, if such addition or alteration involves the disturbance of the sky-sign or any part thereof;

(e) If the building or structure upon or over which the sky-sign is erected, fixed or retained become unoccupied or be demolished or destroyed.

(2) Where any sky-sign shall be erected, fixed or retained upon or over any land, building, or structure, save and except as permitted as hereinbefore provided, the owner or person in occupation of such land, build-

ing or structure shall be deemed to be the person who has erected, fixed or retained such sky-sign in contravention of the provisions of this section unless he proves that such contravention was committed by person not in his employment or under his control, or was committed without his connivance.

(3) If any sky-sign be erected, fixed or retained contrary to the provisions of this section, or after permission for the erection, fixing or retention thereof for any periods shall have expired or become void, the Committee may, by written notice require the owner or occupier of the land, building or structure, upon or over which the sky-sign is erected fixed or retained to take down and remove such sky-sign.

Explanation:—The expression 'sky-sign' shall in this section mean any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction supported on or attached to any post, pole, standard frame-work or other support wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes other support. The expression 'sky-sign' shall also include any balloon, parachute, or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street, but shall not include—

(a) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction;

(b) any sign, or any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking course of any wall, or to the ridge of a roof:

Provided that such broad, frame or other contrivance be of one continuous face and not open work and does not extend, in height more than three feet above any part of the wall, or parapet or ridge to against, or on which it is fixed or supported;

(c) any word, letter, model, sign, device or representation as aforesaid, relating exclusively to the business of a railway administration, and placed wholly upon or over any railway, railway station, yard, plat-

for or station approach belonging to a railway administration, and so placed that it cannot fall into any street or public place ;

(d) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

Regulation and control of advertisements.

149. (1) No person shall, without the written permission of the Committee, erect, exhibit, fix or retain any advertisement whether now existing or not, upon any land, building, wall, hoarding or structure:

Provided always that such permission shall not be necessary in respect of any advertisement which is not an illuminated advertisement nor a sky-sign and which—

(a) is exhibited within the window of any building;

(b) relates to the trade or business carried on within the land or building upon which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein, or to any sale, entertainment or meeting to be held upon or in the same land or building or to the trade or business carried on by the owner of any vehicle upon which such advertisement is exhibited ;

(c) relates to the business of any railway administration ;

(d) is exhibited within any railway station or upon any wall or other property of a railway administration, except any portion of the surface of such wall or property fronting any street.

(2) Where any advertisement shall be erected, exhibited, fixed or retained after three months from the coming into force of this Act, upon any land, building, wall, hoarding or structure save and except as permitted or exempted from permission as hereinbefore provided, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in contravention of the provisions of this section unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

(3) If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of this section after the written permission for the erection, exhibition,

fixing or retention thereof for any period shall have expired or become void, the Committee may by notice in writing require the owner or occupier of the land, building, wall, hoarding or tructure upon which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement.

(4) (a) The word 'structure' in this section shall include a tram-car, omnibus and any other vehicle, and any movable board used primarily as an advertisement or an advertising medium; and

(b) the expression 'illuminated advertisement' in this section shall not include an illuminated display of goods, if such display—

(i) is of goods merely bearing labels showing the name of the article or of its manufacturer or of both, and

(ii) is made by lighting which is not, in the opinion of the Committee, more than is necessary to make the goods and lables visible at night.

(2) ERECTION OF BUILDINGS.

Erection or re-erection of buildings.

159. (1) No person shall erect or re-erect or commence to erect or re-erect any building without the sanction of the Committee.

(2) Every person who intends to erect or re-erect a building shall give notice in writing to the Committee of such intention and shall furnish at the same time, if required, by rules prescribed in this behalf to do so—

(a) the title deed or deeds, if any, relating to the site of such proposed building or buildings;

(b) a site plan of the land on which it is intended to erect or re-erect such building and a plan and specification of the building.

(3) Every notice given under sub-section (2) shall be accompanied by such further information, documents and plans as may be prescribed.

(4) No notice under sub-section (2) shall be considered to be valid until the information, if any, required by rules prescribed in this behalf has been furnished to the satisfaction of the Committee.

(5) Nothing contained in this section, and no other provision of this Act for regulating the erection or re-erection of buildings, shall apply to any building which is used or required for public service or for any public pur-

pose and is the property, or in the occupation, of the Government or is to be erected by the Government :

Provided that before the erection or re-erection of any such building as is mentioned sub-section (5) is begun, the Government shall cause reasonable notice of the proposed work to be given to the Committee, and shall consider any written objections or suggestions which the Committee may make, and after such enquiry as it shall think advisable, pass orders thereon, and the building concerned shall be erected or re-erected in accordance with such orders; and in passing such orders should the Government over-rule or disregard any such objection or suggestion as aforesaid, it shall give its reasons for so doing in writing to the Committee.

Mode of or refusing sanction.

151. (1) Within one month after the receipt of the notice required by sub-section (2) of section 150 the Committee may refuse to sanction the erection or re-erection of building or may sanction it either absolutely or subject to such directions as it may deem fit in respect of all or any of the matters prescribed in this respect, and the person erecting any such building as aforesaid shall comply with the sanction of the Committee as granted in every particular:

Provided that, should the Committee omit or neglect for two months after the receipt of a valid notice to make and deliver to the person who has given such notice, an order of sanction or of refusal in respect thereof, and such person has by written communication called the attention of the Committee to the omission or neglect, and such omission or neglect continues for a further period of 15 days, the Committee shall be deemed to have sanctioned the erection or re-erection of the proposed building absolutely.

(2) The Committee shall not refuse to sanction the erection or re-erection of a building except on the following grounds :—

(a) that the work, or use of the site for the said work or any of the particulars comprised in the site plan, ground plan, elevations, sections or specifications would contravene some specified provision of any law for the time being in force or some specified order, rule, declaration or bye-law made under any law;

(b) that the notice given under sub-section (2) of section 150 does not contain the particulars or is not

prepared in the manner required by the rules or bye-laws made under this Act;

(c) that no adequate provision has been made for the Committee under the rules or bye-laws made under this Act has not been duly furnished;

(d) that any document produced has not been signed as required under the rules or bye-laws made under this Act;

(e) that no adequate provision has been made for the location or laying-out of the street;

(f) that it contravenes any general scheme sanctioned by the Government restricting the erection or re-erection of buildings or any class of building within the specified limits;

(g) that it is not in accordance with the master plan or town development plan or local lay-out sanctioned by the Government.

(3) Whenever the Committee refuses to approve a building site for a building or to sanction the erection or re-erection of a building, the reasons for such refusal shall be specifically stated in the order.

Procedure where no rules are framed.

152. In any case in which no rules have been made under clause (xxv) of sub-section (2) of section 309, in respect of erection or re-erection of buildings, the Committee may, within 14 days of the receipt of the notice under sub-section (2) of section 150 require the person who has given such notice to furnish, within one week of the receipt by him of the requisition, information on all or any of the matters as to which rules might have been made, and in such case the notice shall not be valid until such information has been furnished.

Lapse of sanction.

153. Where the erection or re-erection of a building so sanctioned is not begun by the person who has obtained such sanction, or by someone lawfully claiming under him, within one year from the date when such sanction is given, it shall not be begun without fresh sanction.

Power of Committees when orders are disobeyed.

154. If erection or re-erection of a building is commenced or carried out—

(a) without sanction as required by sub-section (1) of section 150, or

(b) when sanction has been refused,

(c) in contravention of the terms of any sanction, or

(d) when the sanction has lapsed under section 153, or

(e) in contravention of the provisions of this Act or any rule made thereunder; or

(f) in contravention of any rule made for master plan or town development plan or local lay-out sanctioned under section 244 the Committee may, by notice require that the said work shall be stopped and within a reasonable time the building be altered or demolished, as the Committee may deem necessary:

Provided that the Committee may, instead of requiring the alteration or demolition of any such building, other than one to which clause (f) applies, accept by way of compensation such sum as it may deem reasonable.

Rights to compensation.

155. No compensation shall be claimable by an owner for any damage which he may sustain in consequence of a prohibition under this Act in respect of the erection or re-erection of any building.

Regulation of huts.

156. (1) It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into force, without the sanction of the Committee, under sub-section (1) of section 150 and the Committee may require such huts or sheds to be so built that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the Committee may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as the Committee may deem necessary.

(2) If any hut or shed or range or block be built without giving such notice to the Committee, or otherwise than as required by the Committee, the Committee may give written notice to the owner or builder thereof, or to the owner or occupier of the land on which the same is erected or is being erected, requiring him, within such reasonable time as shall be specified in the notice, to take down and remove the same, or to make such alterations therein or additions thereto, as having regard to sanitary considerations, the Committee may think fit.

Improvement of huts.

157. (1) Whenever the Committee is of opinion that any huts or sheds, whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Act comes into force or subsequently erected, are by reason of—

(a) insufficient ventilation, or of the manner in which such huts or sheds are crowded together, or

(b) want of a plinth or of a sufficient plinth, or of sufficient drainage, or

(c) impracticability or scavenging attended with risk of disease to the inhabitants or the neighbourhood,

the Committee shall cause a notice to be affixed to some conspicuous part of each such hut or shed requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the Committee for that purpose, to take down and remove such hut or shed, or to execute such operations as the Committee may deem necessary for the avoidance of such risk.

(2) In case any such owner or occupier refuses or neglects to take down and remove such huts or sheds or to execute such operations within the time appointed, the Committee may after giving the owner or occupier, as the case may be, a reasonable opportunity of stating any objection and adducing evidence, if any, and after being satisfied that the objection which is raised is invalid or insufficient, cause the said huts or sheds to be taken down and removed or such operations to be performed in respect of such huts or sheds as it may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the Committee, the Committee shall cause the materials of each hut or shed to be sold separately, if such sale can be effected; and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the Committee until the persons interested therein shall obtain the order of a competent court for the payment of the same:

Provided that compensation shall be paid to the owners of any huts or sheds pulled down under this section, if such huts or sheds were existing at the time when the land on which they are situated was first included within a Municipality.

Application to be made for construction, establishment or installation of factory, workshop or work-place in which steam or other power is to be employed.

158. (1) Subject to the provisions of the Factories Act, 1948 (LXIII of 1948), every person intending—

(a) to construct or estabish, extend or shift within the limits of a municipality any factory, workshop or work-place in which it is prosposed to employ water, steam, electricity or other mechanical power, or

(b) to instal in any premises any machinery or manufacturing plant driven by any power as aforesaid shall before beginning such construction, establishment, extension, shifting or installation, make an application in writing to the Committee for permission to undertake the intended work.

(2) The application shall be accompanied by—

(i) a plan of the factory, workshop, work place or premises prepared in such manner as may be prescribed;

(ii) such particulars as to the power, machinery, plant or premises as the Committee may require by rules made in this behalf.

(3) The Committee shall, as soon as may be after the receipt of the application—

(a) grant the permission applied for either absolutely or subject to such conditions as it thinks fit to impose, or

(b) refuse permission, if it is of opinion that such, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or that it is likely to cause a nuisance.

(3) DRAINS, SEWERS AND LATRINES

159. (1) The Committee may, by notice, require the owner of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to cause any damage to the street or inconvenience to persons passing along the street.

(2) For the purpose of efficiently draining any building or land, the Committee may, by notice—

(a) require any courtyard, alley or passage between two or more buildings to be paved by the owners of such buildings with such materials and in such manner as may be approved by it, and

(b) require such pavement to be kept in proper repair.

Power to require proper provision for drains, latrines, etc.

160. (1) The Committee may, by notice, require the owner of any building or land to provide, move or remove in such manner as the Committee directs, any drain, privy, latrine, urinal, cess-pool or other receptacle for offensive matter or provide additional drains, privies, latrines, urinals, cess-pools or other receptacles as aforesaid, which should, in its opinion, be provided for the building or land, in such manner and of such pattern as the Committee may direct.

(2) The Committee may, by notice, require any person employing more than twenty workmen or labourers or owning or managing any market, school, theatre or other place of public resort or entertainment to provide such latrines and urinals as it may deem fit, and to cause the same to be kept in proper order and to be daily cleansed:

Provided that nothing in this sub-section shall apply to any factory regulated by the Factories Act, 1948, (LXIII of 1948).

(3) The Committee may, by notice, require the owner or occupier of any building or land to have any privy, latrine or urinal provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood or to remove or alter, as the Committee directs, any door or trap-door of a privy, latrine or urinal opening on to any street or drain.

Power to require alterations of drains, latrines, etc.

161. (1) The Committee may, by notice, require the owner or occupier of any building or land to repair, alter or put in good order any drain, privy, latrine, urinal, cess-pool or other receptacle for offensive matter, or to close any drain, latrine, urinal, cess-pool or receptacle for filth or refuse belonging thereto, or to connect any drain on such building or land with any public drain.

(2) The Committee may, by notice, require any person who may construct any new drain, privy, latrine, urinal, cess-pool or other receptacle for offensive matter without its written permission or in contravention on its direction or of the provisions of this Act, or who may construct, rebuild or open and drain, privy, latrine, urinal, cesspool or other receptacle for offensive matter which the Committee has ordered to be removed or stop-

ped or not to be made, to demolish the drain, privy, latrine, urinal, cess-pool or other receptacle for offensive matter, or to make such alteration therin as it thinks fit.

Disposal of sewage.

162. Subject to the sanction of the Government, the Committee may cause any municpal drain to communicate with, and be emptied into such place as it may deem fit within the Municipality and if necessary for the purpose of disposal or outfall of sewage or any other matter coming through the drains, without the Municipality, but in either case not so as to create a nuisance; and may cause the sewage or other matter from the drains to be collected for sale or used for the improvement of agriculture or for any other purpose whatsoever, but not so as to create a nuisance.

Power to erect ventilation shafts.

163. The Committee may erect upon any premises or land or affix to the outside of any building or structure or to any tree, any such shaft or pipe as it may deem necessary for the proper ventilation of the municipal drains, and such shaft or pipe shall be carried to a height of not less than six feet above the highest part of the adjacent house and erected as not to cause any nuisance or inconvenience to any house in the neighbourhood.

Power to build over drains, pipes, etc.

164. The Committee may, by notice, require any person who, without its written permission may newly erect or rebuild any building over any sewer, drain, culvert, water-course or water-pipe vested in the Committee, to pull down or otherwise deal with the building as it thinks fit.

Removal of projections.

165. (1) The Committee may, by written notice, require the owner or occupier of any building to remove, or alter any projection, encroachment or obstruction which, whether before or after the site of such building became part of the Municipality, shall have been erected or placed against or in front of such building, and which—

(a) overhangs or juts into, or in any way projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or which;

(b) projects and encroaches into or upon any uncovered aqueduct, drain, or sewer in such street so as to obstruct or interfere with such aqueduct, drain or sewer, or the proper working thereof:

Provided always that the Committee shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, make reasonable compensation to every person who suffers damage by such removal or alteration.

(2) Any person aggrieved by the amount of compensation awarded under clause (b) of sub-section (1), may, within one month form the date of receiving notice of such award, file an appeal to the District Judge. Such appeal shall only be in regard to the adequacy of the compensation awarded.

(4) LAYING AND CONNECTING PIPES, SEWERS AND THE LIKE.

Power to lay and maintain cables, wires, pipes, drains, etc.

166. The Committee may carry any cable, wire, pipe, drain, sewer, or channel of any kind, for the purpose of establishing telephonic or other similar communication, any system of lighting, drainage or sewage, through, across, under, in or over any road, street, or place laid out as, intended for, a road or street, and after, giving reasonable notice to the owner or occupier, through, accross, under, in or over any land or building whatsoever suitable within the limits of the Municipality, and for the purpose of the introduction, distribution, or outfall of water or of the removal or outfall of sewage, without such limits, and may, at all times, do all acts and things which may be necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, sewer or channel, as the case may be, in an effective state for the purpose for which the same may be used or intended to be used:

Provided that no inconvenience or nuisance shall be created by any such operation, unless the work cannot otherwise be properly executed.

Restriction on above powers.

167. In the event of any cable, wire, pipe, drain, sewer or channel being laid or carried above, the surface of any land or through or over any building such cable, wire, pipe, drain, sewer or channel as the case may be, shall be so laid or carried, as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building and, reasonable compensation shall be paid in respect of any substantial interference with any such right to such enjoyment.

Previous notice to be given.

168. Except in cases to which section 214 or section 216 relates, the Committee shall cause not less than twenty-one days notice to be given to the owner or occupier before commencing any operation under sections 166 and 167.

Prohibition regarding making connections without permission.

169. (1) No shall, without the written permission of the Committee, at any time, make, or cause to be made, any, connection or communication with any cable, wire, pipe, drain, sewer, or channel constructed or maintained by or vested in the Ccommittee, for any purpose, whatsoever:

Provided that the Committee may, by resolution, exempt any class of connection or communication from from the provisions of this section.

(2) The Committee may close, demolish, alter or remark any connection or communication made in contravention of the provisions of sub-section (1) and may recover the expenses thereby incurred in the manner laid down in sub-section (4) of section 256.

Permission to carry drains through lands belonging to other persons.

170. (1) If the owner or occupier of any building or land desires to connect such building or land with any municipal drain, by means of a drain to be constructed through the land, or to be connected with a drain, belonging to or occupied by or in the use of some other person, he may make a written application in that behalf to the Committee.

(2) The Committee thereupon after giving to such other person a reasonable opportunity of stating any objection to such application, may if no objection is raised or if any objection which is raised is in its opinion insufficient, by an order in writing authorise the applicant, to carry out the said drain into, through or under the said land, or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation and as to the respective responsibilities of the parties for maintaining, reparing flushing, cleaning and emptying the said drains, as may appear to it to be adequate.

(3) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other persons employed by him for this purpose, after giving or tendering to the owner or occupier of the said land or drain, the compensation or rent, if any, specified in the said order, and otherwise fulfilling, as far as pos-

sible, the conditions of the said order, and after giving to the said owner or occupier reasonable notice in writing, to enter upon the land specified in the said order with his assistants, and workmen at any time between sunrise and sunset, and subject to all the provisions of this Act, to do all such work as may be necessary—

(a) for the construction or connection of the drain, as may be authorised by the said order,

(b) for renewing, repairing or altering the same, as may be necessary from time to time, or

(c) for discharging any responsibility attaching to him under the term of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

Work how to be carried out.

171. In executing any work under section 170 as little damage as possible shall be done, and the owner or occupier of the building or lands for the benefit of which the work is done, shall—

(a) cause the work to be executed with the least practicable delay,

(b) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or any portion of any building or other construction opened, broken up or removed for the purpose of executing the the said work, and

(c) pay compensation as assessed by the Committee to any person who sustains damage by the execution of said work.

Rights of owner of land through which drain is carried in regard to subsequent building thereon.

172. If the owner of any land into through or under which a drain has been carried under section 170, whilst such land was not built upon, should at any subsequent time, desire to erect a building thereon, the Commitee shall, if it sanctions the erection of such building, by written notice require the owner or occupier of the building or land, for the benefit of which such drain, etc., was constructed, to close, remove or divert the same and to fill in, reinstate and make good the land in such manner as it may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building.

Fittings to be subject to inspection and approval Committee.

173. The ferrules, communication-pipes, connections, meters, stand-pipes and all fittings thereon or connected therewith leading from mains or service cables, wires, pipes, drains, sewers, or channels into any house or land, and the wires, pipes, fittings and works inside any

such house or within the limits of any such land shall, in all cases, be executed subject to the inspection and approval of the Committee.

Power to fix charges for supply and installations of fittings.

174. The Committee may, from time to time, fix charges to be made for the establishment, by it or through its agency of Communications from and, in connection with mains, service, cables, wires and pipes for the supply of lighting, telephones or water, and for meters or other appliances for testing the quantity and quality thereof and may levy such charges accordingly.

CHAPTER XI.

Power to prevent disease and nuisance.

(1) SANITARY AND PREVENTIVE POWERS

Power to prohibit nuiance.

175. Subject to such rules as may be prescribed, the Committee may order any person not to do, or not to omit to do anything, the doing of which, or the omission thereof is a nuisance.

Power to regulate deposit of refuse.

176. The Committee may fix places within the limits of the Municipality for the deposit of refuse, rubbish, offensive matter of any kind or for the disposal of the dead bodies of animals, and may, by public notice, give directions as to the time, manner and conditions at, in and under which such refuse, rubbish, offensive matter or dead dodies of animals may be removed along any street and deposited or disposed of at such places.

Special provisions with respect to disposal of dead bodies of animals.

177. (1) Whenever any animal in the care of any person dies otherwise than by being slaughtered either for sale or consumption, the person in charge thereof shall, within twenty four hours, either—

(a) convey the carcass to a place, if any, fixed by the Committee under section 176 for the disposal of the dead bodies of animals, or

(b) give notice of the death to the Committee, whereupon the Committee shall cause the carcass to be disposed of.

(2) In respect of the disposal of a carcass under clause (b) of sub-section (1) the Committee may charge such fee as it may determine.

(3) For the purpose of this section the word animal shall be deemed to mean any horned cattle, elephant,

camel, horse, pony, ass, mule, deer, sheep, goat, swine or other large animal.

Power to require insanitary buildings or land to be cleansed.

178. If the owner or occupier of any building or land keeps it in an insanitary or unwholesome state, the Committee may, by notice, require him within a reasonable time to cleanse the same or otherwise put it in a proper state and continue to maintain it in a clean and proper state, and, if it appears necessary for sanitary purposes to do so, may at any time, by notice direct the occupier of any building to lime-wash or otherwise cleanse the said building inside and outside in the manner and within the time specified in such notice.

Power to disinfect buildings.

179. If the Committee is of the opinion that the cleansing or disinfecting of a building or any part thereof, or any atricle therein, which is likely to retain infection, will tend to prevent or check the spread of any disease, it may, by notice, require the owner or occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

Power to Prohibit use of insanitary buildings.

180. If any building or part of the building appears to the Committee to be unfit for human habitaion in consequence of the want of proper means of drainage, lighting or ventilation or for other sufficient reason, the Committee may by notice, prohibit the owner or occupier of such building or part of such building from using it for human habitation or allowing it to be so used, until the Committee is satisfied that it has been rendered fit for such use.

Power to require unoccupied buildings to be made secure.

181. The Committee may, by notice, require the owner or part-owner or any person claiming to be owner or part-owner of any building or land which, by reason of abandonment or disputed ownership, or other cause, remains unoccupied and thereby becomes a resort of idle and disorderly persons, or otherwise a nuisance, to secure or enclose the same within a reasonable time specified in the notice.

Power to require dangerous places to be made safe.

182. If any building or any well, tank, reservoir, pool, depression or excavation is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working therein or in the neighbourhood, the Committee may by notice, require the owner or the occupier thereof to repair, protect or enclose the same; and if it appears to the Committee to be

necessary in order to prevent imminent danger, the Committee shall forthwith take such steps, at the expense of the owner or the occupier, if any as may be necessary to avert the danger.

Troughs and pipes for rain water.

183. The Committee may, by written notice, require the owner of every building in a street to put up and keep in good condition, proper trough and pipes for catching and carrying the water from the roof and other parts of such buildings and for discharging the same, in such manner as it may think fit, so that such water shall not fall upon the persons passing along the streets.

Power to require ruinous structures to be removed or repaired.

184. If any building, wall or structure or anything affixed thereto, or any bank or tree is deemed by the Committee to be in a ruinous state or in any way, dangerous, the Committee may by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall, structure, things, bank or trees, as the Committee may consider necessary for the public safety; and if it appears to the Committee to be necessary in order to prevent imminent danger, the Committee shall forthwith take such steps, at the expense of the owner or occupier, if any, as are necessary to avert the danger.

Opportunity for stating objections.

185. The Committee shall issue a notice under section 182 or section 184 after giving the owner or occupier, as the case may be, a reasonable opportunity of stating any objection and adducing evidence, if any, and after being satisfied that the objection which is raised is invalid or insufficient.

Power to require removal of nuisance arising from tanks and the like.

186. The Committee may, by notice require the owner or occupier of any building or land to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool, depression or excavation therein, which appears to the Committee to be a nuisance:

Provided that if, for the purpose of effecting any drainage under this section, it is necessary to acquire any land not belonging to such owner or occupier or to pay compensation to any other person, the Committee shall provide the land or pay the compensation.

Power to require noxious growth to be cleared.

187. The Committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation or undergrowth which appears to it to be a nuisance.

Power to require the removal from near water supply of any receptacle for filth.

188. The Committee may, by notice, require any owner or occupier on whose land any drain, privy, latrine, urinal, cess-pool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source form which water is or may be derived for public use, to remove or close the same within a reasonable period spceified in the notice.

Power to Prohibit use of bad water.

189. If the Committee considers that the water in any well, tank or other place is likely, if used for drinking, to endanger or cause the spread of any infectious disease, it may—

(a) by public notice prohibit the removal or use of such water for drinking;

(b) by notice require the owner or person having control over such well, tank or place to take such steps as may be specified in the notice to prevent the public from having access to or using such water; or

(c) take such steps as it may consider expedient to prevent the danger or spread of any such disease.

Power to take measures against cattle disease.

190. If in or near any Municipality any infectious disease amongst horses, cattle, sheep, goats or hens breaks out, or if the introduction of any such disease appears to be likely, it shall be lawful for the Committee to take all such measures as it may deem necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or the introduction thereof.

Prevention of rabies and disposal of mad and stray dogs.

191. (1)The Committee may—

(a) authorise any person—

(i) to destroy, or cause to be destroyed or to confine, or cause to be confined for such period as the Committee may direct, any dog or other animal suffering from rabies or reasonably suspected to be suffering from rabies or bitten by any dog or other animal suffering or suspected as aforesaid;

(ii) to confine, or cause to be confined, any dog or other animal found wandering about streets or public places without collar or other marks distinguishing it as private property and to charge a fee for such detention, and to destroy otherwise to dispose of any such dog or animal if it is not claimed within one week and the fee paid;

(b) appoint from time to time by public notice a certain period within which any dog or other animal without collar or other marks distinguishing it as private property, found straying on the streets or beyond the enclosures of the house of the owner of such dog or animal, may be destroyed accordingly.

(2) No damage shall be payable in respect of any such dog or other animal destroyed or otherwise disposed under this section.

Power to provide and equip places for disinfection.

192. The Committee may—

(a) provide proper places, with all necessary attendants and apparatus, for the disinfection of conveyances, clothing, bedding, or other articles which have been exposed to infection, and

(b) cause the conveyances, clothing or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by it, and

(c) direct any clothing, bedding or other articles likely to retain infection to be disinfected or destroyed, and give compensation for any article destroyed.

Compulsory vaccination.

193. Subject to provisions of the Hyderabad Vaccination Act, 1951, vaccination shall be compulsory in every Municipality in respect of such person and to such extent and in such manner as may be prescribed.

Prohibition of violation of rules regulating conservancy or reservoir and catchment area.

194. The Committee may, by notice, require any person engaged in doing any act prohibited by rules made under cause (xxviii) of sub-section (2) of section 309 to stop the doing of such act or to undo it or to take such action as it thinks fit.

(2) MOSQUITO CONTROL.

Declaration of an area for mosquito control.

195. On the recommendation of the Health Officer a Committee may declare a local area for mosquito control.

Prohibition of mosquito breeding in collections of water.

196. No person shall, after the declaration made under section 195—

(a) have, keep or maintain within such area any collection of standing or flowing water in which mosquitoes breed or are likely to breed, or

(b) cause, permit, or allow any water within such area to form a collection in which mosquitoes breed or are likely to breed unless such collection has been so treated as effectively to prevent such breeding.

Explanation.—(1) Trough used for cattle and in frequent use shall not, until the contrary is proved be deemed to be collections of water in which mosquitoes breed or are likely to breed.

(2) The natural presence of mosquito larvae in any standing or flowing water shall be evidence that mosquitoes are breeding in such water.

Treatment of mosquito breeding places.

197. The Committee or any officer authorised by it in this behalf, may by notice in writing, require the owner or the occupier of any place containig any collection of standing or flowing water in which mosquitoes breed or are likely to breed, with in such time as may be specified in the notice, to take such measures with respect to the same, or to treat the same by such physical, chemical or biological methods, as the Committee, on the recommendation of the Health Officer, may consider suitable in the circumstances.

Power of the Committee in case of default.

198. If the person on whom a notice is served under section 197 fails or refuses to take the measures, or adopt the method of treatment, specified in such notice within the time specified therein, the Committee may itself take such measures or adopt such treatment and recover the cost of doing so from the owner or occupier of the property, as the case may be, as if it were a municipal tax.

Protection of anti-mosquito works.

199. Where with the object of preventing the breeding of mosquitoes in any land or building, the Government or the Committee, or the owner or occupier at the instances of the Government or the Committee, has constructed any work in such land or building, the owner for the time being as well as the occupier for the time being of such land or building, shall prevent its being used in any manner which causes, or is likely to cause, the deterioration of such works, or which impairs, or is likely to impair, their efficiency.

Prohibition of interference with certain works.

200. (1) No person shall without the consent of the Comittee, interfere with, injure, destroy or render useless, any work executed or any material or thing placed, in, under, or upon any land or building by or under the orders of the Committee with the object of preventing the breeding of mosquitoes therein.

(2) If the provisions of sub-section (1) are contravened by any person, the Committee may re-execute the work or replace the materials or things, as the case may

be, and the cost of doing so, shall be recovered from such person as if it were a municipal tax.

Power of Health staff to enter and inspect premises.

201. For the purpose of enforcing the provisions contained in this chapter, the Executive Officer, Health Officer or any other officer of the Committee not below the rank of a Sanitary Inspector may, at all reasonable times after givng such notice in writing as may appear to him reasonable, enter and inspect any land or building and the occupier or the owner, as the case may be, of such land or building, shall give all facilities necessary for such entry and inspection, and supply all such information as may be required of him for the purpose aforesaid.

(3) POWER TO REGULATE CERTAIN TRADES AND ACTIVITIES.

Licences.

202. No place within the limit of a Municipality shall be used for—

(a) any of the purposes specified in Schedule G, or

(b) any trade or operation which in the opinion of the Committee is dangerous to life, health or property or likely to create a nuisance either from its nature or by reason of the manner in which or the conditions under which, the same, is or is proposed to be carried on, except under a license obtained by the owner or occupier from the Committee.

Licences and written permission to specify conditions etc., on which they are granted.

203. (1) Whenever it is provided in this Act that that a licence or a written permission may be given for any purpose, such licence or written permission shall specify the period for which and the restrictions and conditions subject to which the same is granted, and shall be given under the signature of the Executive Officer.

Fees to be chargeable.

(2) For every such licence or written permission a fee may be charged at such rate as shall from time to time be fixed by the Committee.

Licences and written permission may be revoked, etc.

(3) Any licence or written permision granted under this Act may at any time be suspended or revoked by the Committee, if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted or if the said person is convicted of an infringement of any of the provisions of this Act or of any rule or bye-law made thereunder in any matter to which such licence or permission relates.

Power to order the discontinuance of the use of premises for unlicenced trades.

(4) (a) If any premises are used without obtaining a licence for any of the purposes specified in section 202 or having obtained a licence is being used in contravention to the terms of such licence or is continued to be used after licence thereof has been suspended or revoked by the Committee, the Committe may at any time by written notice require that the same shall be discontinued by the person so using it;

(b) If within the period specified in such written notice, the requisitions contained therein are not carried out by the person, or owner, as the case may be, any officer authorised by the Committee in this behalf may enter the premises and cause the usage as such thereof to be discontinued.

(c) No claim shall lie against any person, for any damage or inconvenience necessarily caused by the excercise of powers under this section or for the use of any force necessary for the purpose of effecting an entrance under this section.

(5) Every person to whom any such licence or written permission has been granted shall at all reasonable times while such written permission or licence remains in force, if so required by the Committee produce such licence or written permission.

(6) The acceptance by or on behalf of the Committee of the fee for a licence or permission shall not by itself entitle the person paying the fee to th licence or permission.

Power to prohibit certain trades.

204. Whenever it is shown to the satisfaction of the Committee that any place licensed under section 202 is a nuisance, the Committee may, by notice, require the occupier of the place to discontinue the use thereof, or to use the place in such manner as will in the opinion of the Committee, render it no longer a nuisance.

Power to regulate the keeping of cattle for business.

205. Within such limits as the Committee may determine, no milkman, cartman or keeper of hackney carriages shall keep horses, ponies or cattle for the purpose of trade or business, except under a licence and renewable anually obtained by such person from the Committee.

Power to prohibit injurious cultivation.

206. If in the opinion of the Committee, the cultivation of any description of crop, or the use of any kind of manure or the irrigation of land in any specified manner in any place within the municipality—

(a) is injurious, or facilitates practices which are injurious to the health of person dwelling in the neighbourhood, or

(b) is likely to contaminate the water supply of the Municipality or otherwise render it unfit for drinking purposes, the Committee, with the approval of the Government, may by notification prohibit the cultivation of such crop, the use of such manure or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent the injury.

Closure of places for the disposal of dead.

207. (1) If the Committee is of opinion that any place within its jurisdiction which is used for the disposal of dead is in such a state as to be or likely to become injurious to health, it may submit its opinion with the reasons therefor to the Government. The Government may thereupon, after such enquiry as may be necessary, by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the notification.

(2) A copy of the said notification with a translation thereof in the local language shall be posted at the office of the Committee and in one or more conspicuous spots on or near the place to which it relates and the notice therof shall also be given in the locality by beat of drum.

(3) Any person who buries or otherwise disposes of any corpse in any such place after the date specified in the said notification for the closure thereof, or buries or otherwise disposes of any corpse in any unoccupied Government land not set aside for the burial or disposal of the dead under the provisions of any law for the time being in force or by established usage, shall be punishable with fine not exceeding rupees one hundred.

Burial and cremating grounds.

208. (1) Every owner or person having the control of any place used at the date of coming into force of this Act as a place for burying, cremating or otherwise disposing of the dead shall, if such place be not already registered, apply to the Committee to have such place registered.

(2) If it appears to the Committee that there is no owner or person having the control of any such place the Committee shall assume such control and register such place or may close it.

(3) Subject to the rules made in this behalf, no new place for the disposal of dead whether private or public shall be opened, formed, constructed or used unless a licence has been obtained from the Committee.

(4) An application for a licence shall be accompanied by a plan of the place to be registered showing the locality, boundary and extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the Committee may require.

(5) The Committee may subject to such restrictions and conditions as it may deem fit, grant a licence or refuse to grant it.

(6) The Government may cancel or modify any order passed by a Committee under sub-section (5).

(7) The Committee may, and if no sufficient provision exists, shall, provide at the cost of the municipal fund places to be used as burial or crematoria or cremation grounds and may if it deems necessary charge fee for the use thereof.

Power to regulate slaughter of animals for sale.

209. The Committee may fix places or premises specified—

(a) for keeping animals or animals of any specified description which are to be sold for purposes of slaughter;

(b) for the slaughter of such animals; and

(c) for the sale of the flesh of such animals; and may grant and withdraw licences for the use of such places and premises.

Public markets.

210. (1) Subject to the provisions of this Act and the rules made thereunder, the Committee may establish, control and regulate public markets.

(2) The Committee may by public notice close at any time any public market or part thereof.

Licensing of private markets.

211. (1) No private person shall establish or maintain a private market except under a licence granted by the Committee.

(2) The Committee may grant a licence under this section subject to such conditions as to sanitation, drainage, water supply, width of paths and ways, and rent to be charged in such market as may be prescribed.

(3) Any person—

(a) establishing or maintaining a market for which a licence has not been granted under sub-section (2), or

(b) opening or keeping open a market for which the licence has been suspended, or cancelled, under sub-section (3) of section 203, shall be punishable with a fine which may extend to rupees one hundred and if the breach is a continuing one with a further fine which may extend to rupees ten for every day after the first, during which the breach is proved to have been persisted in.

Procedure when Committee delays grant of licence.

212. If the Committee fails to grant a licence under sub-section (2) of section 211 within a period of two months from the date of the receipt of an application for such licence, the applicant may apply to the Government, who shall in the first instance, direct the Committee to decide the application within one month from the date of such direction. If the Committee does not decide the application within the said period the Government may decide the same.

CHAPTER XII.

Powers of Entry and Inspection.

Extent of authorisation under this chapter.

213. The Committee may authorise any of its members, officers or servants to exercise the powers of entry conferred by this chapter either generally in regard to all buildings and lands or particularly in regard to specified buildings and lands or classes of buildings and lands:

Provided that no entry shall be made unless—

(a) sufficient notice is given to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed.

(b) due regard is paid, so far as may be compatible with the exagencies of the purpose for which the entry is made, to the social religious usages of the occupants of the premises entered.

Power of entry for inspecting drains, privies, cesspools, etc.

214. (1) The Committee may authorise any of its members, officers or servants to enter, between sunrise and sunset, into any building or upon any land where such inspection seems necessary for sanitary reasons or in order to inspect any stable, drain, privy, latrine,

urinal, cesspool, cable, wire, pipe, sewer or channel therein, or thereon, and to cause the ground to be opened where such person may think fit for the purpose of preventing or removing any nuisance arising from the stable, drain, privy, latrine, urinal, cesspool, cable, wire, pipe, sewer or channel.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it be found that no nuisance exists, or would not have arisen but for such opening of the ground, or portion of any building, drain or other work, if any, opened, damaged or removed for the purposes of such inspection, shall be filled in, restored and made good by the Committee.

(3) No building other than a stable, latrine, urinal or privy shall be entered under this section until reasonable notice has been given to the occupier of the building by the Committee or the person authorised by the Committee to make the entry.

Power of entry for taking measurement and for examining works under construction.

215. The Committee may authorise any person after giving reasonable notice to the occupier, or if there be no occupier, to the owner of any building or land, at any time between sunrise and sunset,—

(a) to enter on and to survey and take levels or measurements of any building or land;

(b) to enter into and to measure any building for the purpose of valuation;

(c) to enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which the Committee is by this Act empowered to execute or to maintain.

Power of entry for Inspecting gas, water and other installations.

216. The Committee may authorise any person to enter at any reasonable time into any building or upon any land for the purpose of inspecting or repairing gas, water, telephonic electric or other installations and for taking readings of meters connected therewith.

Power of entry in certain cases for purposes connected with scavenging.

217. (1) The Committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any building or land, or of any drain, privy, latrine, urinal, cesspool or other receptacle for offensive matter pertaining to any building or land, with the consent of the occupier of the building or land, or without such consent, if the occupier fails to make arrangements to the satisfaction of the Committee for the performance of such duties.

(2) If the Committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the person employed by it to perform the same may enter upon the property at all reasonable times so far as may be necessary for the proper discharge of those duties, and the Committee may authorise any person to enter upon the property at any reasonable time for the purpose of ascertaining that such duties have been duly performed.

Power to enter if infectious disease is suspected.

218. (1) The Health Officer or any officer authorised by him may at all reasonable hours, with or without assistants, inspect any place in which any infectious disease is reported or suspected to exist, without notice in the case of factories, workshops, workplaces, offices, business places and the like, and after giving such notice as may appear to him reasonable in other cases including dwelling-houses, and may take such measures as he may consider necessary to prevent the spread of such disease beyond such place.

(2) The powers conferred by sub-section (1) on the Health Officer may, in Town Municipalities, be exercised by the President, Executive Officer or by any person authorised by the President.

Power of entry for discovery of animal or vehicles liable to taxation.

219. The Committee may authorise any of its members, officers or servants any time between sunrise and sunset, to enter and to inspect any garage, stable, coach-house or other place wherein there is reason to believe that there is any animal or vehicle which is liable to be taxed by the Committee and for which the tax has not been duly paid.

Power in respect of inflammable or explosive material when stored in excess of authorised quantity.

220. (1) The Committee may authorise any person, at any reasonable time, to enter upon and to inspect any house or building which is suspected to contain petroleum or any other explosive or inflammable material in excess of the quantity permitted to be kept in such house or building under any law, or under any rule, bye-law or public notice made or published under such law.

(2) Should any such excess quantity of such material be discovered, it may be seized and held subject to such orders as the Collector or Deputy Collector may make with respect thereto.

Power to deal with articles unfit for human consumption.

221. (1) The Committee may authorise any of its members, officers or servants to enter into and inspect, at any reasonable time any market, building, shop, stall or place used for the storage of articles of food or drink or of drugs, or use for the slaughter of animals, and to examine any article of food or drink or any drug or animal, which may be therein; and if any such article of food or drink, drug or animal therein appears to be intended for human consumption and to be unfit therefor, to seize the same.

(2) If the owner or person, in whose possession such articles drug or animal is found, consents thereto the authorised person may destroy it, or dispose of it so as to prevent its being exposed for sale or used for human consumption.

(3) If such consent is not given, the authorised person shall give a receipt for the article, drug, or animal seized, and shall remove it forthwith and place it before a Magistrate for orders under section 286.

(4) Before removing any article of food or drink, or any drug, the authorised person shall cause a sample thereof to be taken and sealed in the manner prescribed in section 222.

Power to take samples.

222. (1) The Committee may authorise any of its members, officers or servants to make requisition of any article intended for human consumption or any drug, exposed for sale, and upon tendering by such member, officer, or servant the price for a quantity required for purposes of analysis the person exposing the same for sale shall be bound to sell such quantity.

(2) Any sample taken under the provisions of sub-section (4) of section 221 or sub-section (1), shall be

fastened up and sealed in the presence of the person in whose possession it is found, or if such person refuses to witness such fastening and sealing, in the presence of two or more respectable inhabitants of the locality.

Power to require boundary walls, hedges, etc. to be constructed or removed.

223. (1) The Committee may, by public notice, prohibit the construction of boundary walls, hedges, or other fences of any material or description which in its opinion is unsuitable, unsightly or otherwise objectionable.

(2) The Committee may, by notice, require the owner or occupier of any land.—

(a) to remove from the land any boundary wall, hedge or other fence which, in its opinion is unsuitable, unsightly or otherwise objectionable,

(b) to construct on the land sufficient boundary walls, hedges, or other fences of such material, description and dimensions as may be specified in the notice.

(c) to maintain the boundary walls, hedges, or other fences on the land in good order.

Explanation.—In this section the expression, "hedges, boundary walls or other fences" includes all necessary gates and the posts or pillars thereof.

Power to make connection for water and sewage.

224. The Committee may, at any time, establish any connection or communication from any water-main, drain or sewer to any premises, or may, by notice, require the owner or occupier of any premises to establish at his cost any such connection or communication, in such a manner, and within such time as the Committee may, by notice in that behalf, specify.

Use of steam whistles, etc.

225. (1) No person shall, without the written permission of the Committee, use or employ in any factory or other place any steam whilstle or steam trumpt for the purpose of summoning or dismissing workmen or persons employed.

(2) In granting such permission, the Committee may impose such conditions as it may think proper as to the times at which the whistle or trumpet may be used, and it may revoke any such permission by giving a weeks' notice.

Removal to hospital of patients suffering from infectious diseases.

226. When any person suffering from any infectious disease is found to be—

(a) without proper lodging or accommodation,

(b) living in **serai** or other public place.

(c) living in a room or house which he neither owns nor for which he pays rent.

(d) lodged in premises occupied by members of two or more families and any of such occupiers objects to his continuing to lodge in such premises,

the Committee, or any person authorised by it in this behalf, may, on the advice of any medical officer of rank not inferior to that of an Assistant Health Officer remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal and for the medical treatment and comfort of the patients so removed.

CHAPTER XIII.

Water Supply and Fire Service.

(1) WATER SUPPLY.

Municipal Water Works, water connection and water works.

227. In this chapter and wherever occurring in this Act—

(i) "Municipal Water Works" means the water works which vest in or is managed by the Committee under this Act.

(ii) "Water connection" includes any tank, cistern,, hydrant, stand pipe, meter or tap situated in any property and connected with a water main or pipe belonging to the Committee.

(iii) "Water Works" includes a lake, stream, spring well, pump, reservoir, cistern tank, duct whether covered or open sluice, main pipe, culvert engine water truck, hydrant, stand pipe, conduit and machinery, land, building or thing for supplying or used for supplying water or for protecting services of water supply.

Maintenance of water supply.

228. (1) In every town administered by a Committee where a sufficient supply of protected water for domestic use does not already exist, the Committee shall provide or arrange for the provision of such supply where it can be obtained at a reasonable cost.

(2) Notwithstanding anything contained in sub-section (1) the Government may make a water supply arrangement out of Government funds to supply protected water for domestic use in a town administered by a Committee.

(3) The Government may at any time entrust the management of the water supply arrangement made under sub-section (2) to a Committee.

Power to require maintenance of and closing of private source of public drinking water supply.

229. The Committee may, by notice in writing, require the owner or any person having the control of municipal water works which is used for drinking purposes—

(a) to keep the same in good order and to clean it from time to time of silt, refuse and decaying vegetation,

(b) to protect the same from contamination in such manner as the Committee may direct,

(c) if the water therein is proved to the satisfaction of the Committee to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the public from having access to or using such water:

Provided that, in the case of a well, such person as aforesaid may, instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the control and supervision of the Committee for the use of the public, and, if he does so, he shall not be bound to carry out the requisition, and the Committee shall undertake the control and supervision of the well.

Supply of water.

230. (1) The Committee may permit the owner, lessee, or occupier of any building or land to connect the building or land with municipal water works by means of communication pipes, of such size and description as it may prescribed for the purpose of obtaining water for domestic use.

(2) The occupier of every building so connected with the water supply shall be entitled to have for domestic use, in return for the water fees, if any, such quantity of water as the Committee may fix.

(3) The supply of water for domestic use shall not be deemed to include any supply—

(a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire;

(b) for any trade, manufacture or hire;

(c) for fountains, swimming baths or for any ornamental or mechanical purposes;

(d) for gardens or for purposes of irrigation;

(e) for making or watering roads or paths;

(f) for building purposes.

Provision of meter when water supplied by measurement.

231. (1) Where water is supplied by measurement, the Committee may either provide a meter and charge the consumer for the same such rent as shall from time to time be fixed in this behalf by the Committee or may permit the consumer to provide a meter of his own of such size, material and description as the Committee shall approve for this purpose.

(2) The Committee shall at all times keep all meters and other instruments for measuring water, let for hire to any person, in proper order for correctly registering the supply of water, and in default of so doing such person shall not be liable to pay rent during such times as such default continues.

(3) Where water is supplied by measurement the register of the meter or other instrument for measuring water shall be **prima facie** evidence of the quantity consumed.

Power to require water supply to to taken.

232. Subject to rules made under this section, if it appears to the Committee that any building or land in the Municipality is without a proper supply of protected water, the Committee may, by notice in writing, require the owner, lessee or occupier of the building or land to obtain from municipal water-works such quantity of water as is adequate to the requirements of the persons usually occupying or employed upon the building or land, and to provide communication pipes of the prescribed size and description and to take all necessary steps for the above purposes.

Supply of water under agreements.

233. (1) The Committee may, by agreement, supply the owner, lessee or occupier of any building or land in the Municipality with any water from municipal water works for any purpose, other than domestic purpose, on such terms and conditions consistent with this Act and the rules and bye-laws made thereunder as may be agreed upon between the Committee and such owner, lessee or occupier.

(2) The Committee may withdraw such supply or curtail the quantity thereof at any time if it should appear necessary to do so for the purpose of maintaining a sufficient supply of water for the domestic use of the inhabitants of the town.

Committee not liable for failure of supply.

234. Notwithstanding any obligation imposed on the Committee under this Act, the Committee shall not be liable to any forfeiture, penalty or damages for failure to supply water or for curtailing the quantity thereof, if the failure or curtailment, as the case may be, arises from accident or from draught or other unavoidable cause unless, in the case of an agreement for the supply of water under section 233 the Committee has made express provision for forfeiture, penalty or damages in the event of such failure or curtailment.

Conditions of universal application.

235. Notwithstanding anything hereinbefore contained or anything contained in any agreement under section 233 the supply of water by the Committee to any building or land shall be, and shall be deemed to have been granted subject to the following conditions, namely—

(a) the owner, lessee, occupier of any building or land in or on which water is supplied by the Committee, shall, if it is wasted by reason of the pipes, drains or other works being out of repair shall if he has knowledge thereof give notice of the same to such officer as the Committee may appoint in this behalf;

(b) the Executive Officer, Municipal Engineer or any other Officer or servant of the Committee, authorised by it in writing in this behalf, may enter into or any premises supplied with water by the Committee for the purpose of examining all pipes, taps, works and fittings connected with the supply of water and of ascertaining whether there is any waste or misuse of such water;

(c) the Committee may, after giving notice in writing, cut off the connection between municipal waterworks and any building or land to which water is supplied for any purpose whatsoever or turn off such supply if—

(i) the owner or occupier of the building or land neglects to pay the water fees or other charges connected with the water supply within one month from the date on which such fees or charge falls due for payment;

(ii) the occupier refuses to admit the Executive officer, Municipal Engineer or other authorised officer or servant of the Committee in to the building or land for the purpose of examination or ascertainment under clause (b) or prevents the making of such examination or ascertainment;

(iii) the occupier wilfully or negligently misuses or causes waste of water; or

(iv) the occupier wilfully or negligently injures or damages his meter or any pipe or tap carrying water from the water-supply works;

(v) any pipes, taps, works or fittings connected with the supply of water to the building or land are found, on examination under clause (b) to be out of repair to such an extent as to cause waste of water;

(d) the expense of cutting off the connection or of turning off the water-supply in any case referred to in clause (c) shall be paid by the owner or occupier of the building or land;

(e) no action taken under or in pursuance of clause (c) shall relieve any person from any penalty or liability which he may otherwise have incurred.

Supply to persons outside Municipality.

236. The Committee may allow any person not residing within the limits of the Municipality to take or be supplied with water for any purpose from any source of public water supply on such terms and conditions as it may deem fit, and may, at any time withdraw or curtail such supply.

(2) FIRE SERVICE.

Establishment and maintenance of fire brigades.

237. For the prevention and extinguishment of fire, the Committee may establish and maintain a fire brigade and may provide any implements, machinery or means of communicating the intelligence which the Committee may think necessary for the efficient discharge of duties by the brigade.

Powers of suppression of fires.

238. (1) On the occurrence of a fire within the limits of a Municipality, the Collector, or Deputy Collector or Tahsildar having jurisdiction or the President or Executive Officer, or any Police Officer not below the rank of Head Costable, or any member in charge of a fire brigade maintained by the Committee then and there directing the operations of men belonging to the brigade, may,

(a) remove or order removal of any person, who by his presence interferes with or impedes the operations of extinguishing the fire or for saving life or property.

(b) close any street or passage in or near which any fire is burning,

(c) for the purpose of extinguishing fire, break into or through or pull down or cause to be broken into or through or pulled down, or use the passage of houses or other appliances,

(d) cause mains and pipes to be shut off, so as to give greater pressure of water in or near the place where fire has occurred.

(e) call on the persons in charge of any fire engine to render such assistance as may be possible, and

(f) generally, take such measures as may appear necessary for the preservation of life or property.

(2) When any Government building is endangered by such a fire, any Government officer for the time being in charge of the building may exercise the powers conferred by sub-section (1).

(3) No person shall be liable to pay compensation for any act done by him in good faith under sub-section (1).

Restrictions on such powers.

239. The powers conferred by section 238 shall be subject to such rules, conditions and restrictions as may be prescribed.

Power to prohibit use of inflammable materials in roofs and walls.

240. The Committee may direct that, within such areas as may be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed or grass, mats, leaves or other inflammable materials, without the written permission of the Committee, and the Committee may, by notice, require any person to remove or alter the roofs or walls so made or renewed as it may think fit.

Powers to prohibit collection of inflammable materials or lighting fires.

241. The Committee may, where it appears to be necessary for the prevention of danger to life or property, by public notices, prohibit all persons from stocking or collecting grass, straw, cotton, wood, timber or other inflammable materials or placing mats or thatched huts or lighting fires, in any places or within any limits specified in the notice.

Power to require precautions in places of public entertainment.

242. The Committee may, by notice, require the manager or proprietor of any place of public entertainment to make reasonable provision for the prevention and extinguishment of fire and for the easy exit of the audience in case of fire.

Fire Brigades provided by Government.

243. (1) Notwithstanding anything contained in section 237, the Government may, if it so deems necessary, establish and maintain a fire-brigade in a Municipality and may also provide necessary implements and machinery for the efficient discharge of the duties by such brigade.

(2) The provisions of section 238 and the rules made under section 239 shall be applicable to fire-brigades established under sub-section (1).

CAPTER XIV.

Town Planning.

Preparation of master plan, town development plan and layouts.

244. (1) (a) Subject to such rules as may be prescribed there shall be prepared a Master Plan for the area within the limits of the Municipality,

(b) the Committee may for the purposes of clause (a) arrange to carry out the survey of the area within the limits of the Municipality and of the land contiguous or adjacent thereto and shall submit to the Government a report of the survey together with the Master Plan indicating the manner in which the area within the limits of the Municipality and the land contiguous or adjacent thereto shall be used and the stages by which the Master Plan shall be carried.

(c) the Master Plan shall include such maps and such descriptive matters as may be deemed necessary to illustrate the proposals, and in particular:

(i) define the present use of every piece of land within the limits of the Municipality and in the land contiguous or adjacent thereto ;

(ii) define the sites of the proposed roads, public and other open spaces, or allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the plan;

(iii) designate the land subject to compulsory acquisition under the powers in that behalf confer-

red by this Act or any other law for the time being in force.

(d) the Government may by notification in the Official Gazette declare any area within the limits of the Municipality to be a Master Plan area and shall sanction in the prescribed manner a Master Plan thereto.

(2) Till such time as a Master Plan is sanctioned under clause (d) of sub-section (1) the Government may notify any area within or without the limit of a Municipality as an area in which no building is to be erected or re-erected except in accordance with a piecemeal Town Development Plan, or a layout sanctioned by the Government in the manner prescribed. Such Town Development Plan or layout shall, subject to minor alteration be incorporated in the Master Plan.

(3) No report shall be made under clause (b) of sub-section (1) in respect of land falling outside the limits of a Municipality and no notification in respect thereof shall be issued under sub-section (2) without consulting the local authority within whose jurisdiction the land is situated.

Notification of sanction of Master Plan, Town Development Plan or local layouts.

245. (1) As soon as the Master Plan or any Town Development Plan or a layout is sanctioned under section 244 the same shall be published in the Official Gazette. The place where and the time when the said plan shall be open to inspection by the public shall also be specified.

(2) Any plan published under sub-section (1) shall be conclusive proof of its being duly made and sanctioned by the Government and shall be effective from the date of its publication:

Provided that the Government may vary or revoke the Master Plan, Development Plan or a layout and direct the deferment of the execution of any such plan or any part thereof to such date as it may determine.

Verification or revocation of Plan or layout.

246. Where the plans or layouts sanctioned under section 244 are at any time after giving effect to varied or revoked, any person incurring expenditure in compliance with the sanctioned plan or layout so varied or revoked and on preferring a claim in respect thereof shall be compensated by the Committee.

247. No person shall erect or re-erect any building except in accordance with the Master Plan, Town Development Plan or local layout sanctioned under section 244.

Obligation of owners to comply or layout after sanction.

248. From the date of publication of a Master Plan, Development Plan or layout under section 245 all owners of lands and buildings in the area affected by the plan or layout, who propose to erect or re-erect or in any way alter or add to buildings, shall conform in every particular with the requirements, of such plan or layout, and no building shall be erected or re-erected in any area which building is expressly forbidden in the plan or layout, or which is reserved in the plan or layout for any purpose incompatible with building.

Notice to discontinue breach of the provisions of a Master Plan, Town Development Plan or layout.

249. After publication of a Master Plan, Development Plan or local layout under section 245 the authority responsible for the execution of such plan or layout shall, if he has reason to believe that any person commits or knowingly permits a breach of any provision of such plan or layout or neglects or fails to comply with such provision cause to be served on such person a notice calling on him to discontinue the breach or cause it to be discontinued or comply with such provision within one month from the date of service of such notice.

Power of entry, etc.

250. For the purpose of making or execution of a Master Plan, Town Development Plan or layout the authority prescribed therefor and the subordinates and contractors of such authority may subject to the provisions of section 213 and after giving reasonable notice to the occupier or, if there be no occupier, to the owner of any property, be entitled at any time between sunrise and sunset to enter upon, survey and set up marks on any property and do all acts necessary for such purpose.

Application of Land Acquisition Act.

251. Immovable property required for the purpose of a Master Plan, Town Development plan or layout shall be deemed to be land needed for a public purpose within the meaning of the Hyderabad Land Acquisition Act, 1309 Fasli (IX of 1309 F.)

CHAPTER XV.

Supervision.

Power of Government to cause inspections.

252. (1) The Government or any officer not below the rank of a Collector duly authorised by Government in this behalf may—

(a) inspect or cause to be inspected any immovable property or any work in progress under the control and management of any Committee;

(b) call for any extract from the proceedings of a Committee, sub-committee or joint committee, and call for or inspect any book or document in the possession of or under the control of a Committee, sub-committee, Joint Committee or Officer of the Committee;

(c) require any Committee, sub-committee, Joint Committee or Officer of the Committee, to furnish any return, plan, estimate, statement, account or report or any other information or statistics which he may consider neecssary;

(d) require a Committee to take into consideration—

(i) any objection which appears to exist to the doing of anything which is about to be done by such Committee or,

(ii) any information furnished by the Government or the said officer which necessitates the doing of a certain thing by such Committee and to make a written reply in respect thereof within a reasonable time stating its reasons for doing or not doing such thing.

(2) (a) Where the Government or the Officer referred to in sub-section (1) is of opinion that the execution of any resolution or order passed by the Committee or the doing of any act which is about to be done or is being done by or on behalf of the Committee is in contravention of or in excess of powers conferred by this Act or any law for the time being in force or is likely to lead to a breach of peace, the Government or the said Officer may by order in writing suspend the execution of such resolution or order or prohibit the doing of any such Act:

Provided that before suspending such resolution under this clause the Government or the said Officer shall Communicate to the committee the grounds for such suspension, fix a reasonable period for the Committee to show cause against the proposal and consider its explanation and objection, if any;

(b) a copy of such order shall forthwith be sent to the Committee by the Government or the said Officer;

(c) The Government or the said Officer may at any time on representation by the Committee or otherwise revise, modify or revoke any order passed under clause (a) ;

(3) If it appears to the officer referred to in sub-section (1) that the Executive Officer or any other officer of a Committee has made default in carrying out any resolution of the Committee he shall after giving such officer a reasonable opportunity of explanation, send a report hereon together with the explanation, if any, of such officer to the Government and at the same time forward a copy of th same to the Committee.

Power of Government to provide for performance of duties in default of the Committee.

253. (1) When the Government is informed on complaint made or otherwise that a Committee has made default in performing any duty imposed on it by or under this Act or the rules made thereunder or under any law for the time being in force, the Government, if satisfied after due enquiry that the committee has been guilty of the alleged default, may by order fix a period for the perfomrance of that duty :

Provided that no such order shall be made unless the Committee has been given an opportunity to show cause why such an order shall not be made.

(2) If that duty is not performed within the period so fixed, the Government may appoint some persons to perform it, and may direct that the expenses of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Committee.

(3) If the expenses and remuneration are not so paid the Government may make an order directing the Officer-in-charge of the treasury or bank in which the Municpal Fund is kept or the whole or portion thereof is deposited or lent on interest, to pay such expenses and remuneration from such moneys as may be standing to the credit of the Committee in such treasury or bank or as may, from time to time, be received from or on behalf of the Committee by way of deposit by such treasury or bank, and such officer or bank shall be bound to obey such order. Every payment made in pursuance of such order shall be sufficient discharge to such officer or bank from all liability to the Committee in respect of any sum or sums so paid out of the money so received or standing to the credit of the committee in such treasury or bank.

Dissolution and reconstitution of Committees in case of emergency.

254. (1) If in the opinion of the Government, a Committee persistently makes default in performing the duties imposed on it under this Act or the rules made thereunder or any other law for the time being in force, or exceeds or abuses its powers or a situation exists in which the Municipal administration cannot be carried on in accordance with the provisions of this Act, or the financial stability or credit of the Committee is threatened, it may, by notification published in the Official Gazette direct that the Committee be dissolved and reconstituted. The notification shall specify the time within which the Committee shall be reconstituted :

Provided that for the purpose of completing the elections to a Committee which has been dissolved, the Government may from time to time, extend the time fixed under this sub-section for a further period not exceeding six months.

(2) Before publishing a notification under sub-section (1) the Government, shall communicate to the Committee concerned the grounds on which they propose to do so, fix a reasonable period for the Committee to show cause against the proposals and consider the explanations and objections, if any of such Committee.

(3) Upon publication of such notification, all members of the Committee, including its Presidents and Vice-Presidents, shall forthwith be deemed to have vacated their offices as such and fresh election shall be held in accordance with the provisions of this Act.

(4) The term of the office of the elected members of the reconstituted Committee, or the members elected in their places at casual vacancies shall expire on such date as the Government may fix.

(5) During any interval between the dissolution and the reconstitution of a Committee under sub-section (1), all or any of the powers of the Committee and of its President may be exercised and discharged, as far as may be and to such extent as the Government may determine by such person or persons as the Government may appoint in that behalf ; and any such person may, if he is not a Collector or Deputy Collector, receive payment for his service, if the Government so directs.

(6) When a Committee is dissolved, the Government, until the date of reconstitution thereof and the reconstituted Committee thereafter, shall respectively be entitled to all the assets and be subject to all the liabilities of

the Committee as on the date of dissolution and on the date of the reconstitution.

CHAPTER XVI.

General Provisions, Notices and Appeals.

(1) GENERAL PROVISIONS.

Powers of Committee in case of non-compliance of notice.

255. Whenever the terms of any notice requiring any act to be done have not been complied with, the Committee may after a reasonable notice, get the required act done through its officers.

Recovery of costs of execution.

256. (1) If under this Act, the owner or occupier of any property is required by the Committee to execute any work, and default has been made in complying with the requirement and the Committee has executed the work, the Committee may recover th cost of the work from the person in default.

(2) For the purposes of this section, as between themselves and the Committee, both the owner and the occupier shall be deemed to be indefault, but as between the owner and the occupier, the person upon whom the duty of doing the required act would fall, either by law or in pursuance of the contract of tenancy, shall be deemed to be primarily in default.

(3) If the person primarily in default is the owner, and the Committee has recovered the whole or any part of the cost from the occupier, or the occupier has executed the work as required by the Committee or paid the cost upon its demand, such occupier may deduct the sum so expended, recovered or paid, from the rent from time to time becoming due from him to the owner or may otherwise recover it from such owner:

Provided that no occupier shall be required to pay under sub-section (3) any sum greater than the amount for the time being due from him to the owner, in respect of rent due at the date of such demand as aforesaid or thereafter accruing due, unless he has refused on a requisition made to him by the Committee, to disclose the amount of his rent and the name and address of person to whom it is payable, but the burden of proof that the sum so demanded by the Committee from the occupier exceed the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) If any sum is recoverable by the Committee under

this section and is payable by the owner of property, it shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract or other obligation between an owner and an occupier.

Relief to Agent and trustees.

257. (1) If any person, by reason of his receiving the rent of immovable property as agent, receiver or trustee, or of his being, as agent, receiver or trustee, the person who would receive the rent, if the property were let to a tenant, is, under this Act, bound to discharge any obligation imposed by this Act on the owner of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hand funds belonging to the owner sufficient for the purpose.

(2) The burden of proving the fact entitling an agent, receiver or trustee to relief under this section shall be on him.

(3) If any agent, receiver, or trustee has claimed and established his right to relief under this section, the Committee may give him notice to apply to the discharge of such obligation as aforesaid, the first moneys which shall come to his hands on behalf or for the use of the owner, and should he fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

Powers of Committee to call for evidence.

258. The Committee or a sub-committee thereof shall have the powers of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents and every person required by the Committee to furnish any information before it shall be legally bound to do so within the meaning of section 176 of the Indian Penal Code, 1860 (XLV of 1860).

(2) NOTICES.

Defect in Form and fixation of time in notices.

259. (1) No notice issued under the provisions of this Act or the rules made thereunder shall be invalid merely on account of any defect in its form.

(2) If any notice under this Act requires any act to be done for which no time is fixed by this Act, a reasonable time shall be fixed in the notice for doing the same.

Publication of public notice.

260. Every notice which this Act or the rules made thereunder require or empower a Committee to give or to serve, either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if it has been published by proclamation made by beat of drum in the locality and a copy thereof has been pasted to a notice board at the Office of the Committee or on such other public building or place as the Committee may decide or has been published in any newspaper having a circulation in the area under the jurisdiction of the Committee.

Service of notices.

261. Notices, bills, summonses and other such documents required by this Act or by any rule, regulation or bye law made thereunder to be served upon or issued, presented or given to any person, shall be served, issued, presented or given by municipal officers or servants or by other persons authorised by the Executive officer in this behalf.

Mode of service.

262. When any notice, bill, summons or other document is required by this Act, or by any rule, regulation or bye-law made thereunder to be served upon or issued or presented to any person or owner or occupier of any premises, such service, issue or presentation shall be made—

(a) by delivering or tendering to such person a copy thereof signed by the Executive Officer or any other officer authorised by him in this behalf;

(b) if there are more than one owner or occupier by delivering or tendering a copy thereof to any one of the owners or occupiers;

(c) wherever it is practicable, service shall be made on the addressee in person, unless he has an agent empowered to accept service, in which case, service on such agent shall be sufficient;

(d) in case the person does not reside within the municipal limits, service on any manager or agent, who at the time of service, personally carries on such business or works for such person within such limits, shall be deemed to be good service;

(e) where the person has no manager or agent empowered to accept service of the notice, bill or summons on his behalf, service may be be made on any adult male member of the family;

Explanation:—A servant is not a member of the family within the meaning of clause (c);

(f) where the servicing officer delivers or tenders a copy thereof to the addressee personally, or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgement of service endorsed on the original copy;

(g) where the person or his agent or such other person as aforesaid refuses to sign the acknowledgement, or where the serving officer, after using all due and reasonable diligence cannot find the person, and there is no agent empowered to accept service of the notice, bill or summons on his behalf, nor any other person on whom service can be made, the serving officer shall affix a copy thereof on the outer door or some other conspicuous part of the house in which the person to whom it is addressed, ordinarily resides or carries on business or personally works for gain and shall then return the original to the Executive Officer by whom it was issued, with a report endorsed thereon or annexed thereto, stating that he has so affixed the copy, the circumstances under which he did so, the name and address of the person (if any) by whom the house was identified and in whose presence the copy was affixed;

(h) the serving officer shall, in all cases in which the notice, bill, or summons has been served under clause (e) endorse or annex or cause to be endorsed, or annexed, on or to the original copy thereof, a return stating the time when and the manner in which it was served and the address of the person, if any, identifying the person served and witnessing the delivery or tender of such notice, bill or summons.

(3) APPEALS.

Bar of appeals.

263. No appeal shall lie against any order made under this Act except as provided by this Act.

Appeals to the District Judge.

264. An appeal shall lie from the following orders passed by a Committee to the District Judge within whose jurisdiction the municipality is situated:

(1) any final order of assessment of any tax under Chapter IX;

(2) an order granting or refusing to refund any tax under the rules made under section 134,

(3) an order requiring huts or sheds to be taken down and removed under section 157,

(4) an order refusing permission to connect or communicate with any pipe, drain, sewer or channel under section 169.

(5) an order requiring unoccupied buildings to be made secure under section 181,

(6) an order requiring dangerous places to be made safe under section 182,

(7) an order requiring ruinous structures to be removed or repaired under section 184,

(8) an order requiring the removal of nuisance under section 186.

(9) an order requiring a person to maintain private source of Municipal Water Works under section 229.

Appeals from orders of Town Committees

265. An appeal shall lie from the following orders passed by a Town Committee to the Collector or such other officer as may be empowered by the Government in this behalf, whose decision shall be final :

(a) an order granting or refusing permission to erect or re-erect a building under section 150;

(b) an order to alter or demolish a building under section 154;

(c) an order granting or refusing permission to establish a factory, workshop or work-place with reference to section 158 ;

(d) an order requiring proper provision of drains under section 160 :

(e) an order requiring alteration of drains and latrines under section 161;

(f) an order requiring the pulling down or otherwise dealing with the building constructed on drains under section 164 ;

(g) an order requiring the removal, from near water supply, of a receptacle for filth under section 188;

(h) an order granting or refusing to grant a licence for certain trades or activities under section 202;

(i)an order suspending or revoking a licence under sub-ection (3) of section 203;

(j) an order requiring the discontinuance of trades and activities, etc., under sub-section (4) of section 203;

(k) an order requiring the discontinuance of a nuisance under section 204;

(l) an order granting or refusing to grant a licence for private market with reference to sub-section (2) of section 211;

(m) an order requiring the owner to obtain water from municipal water works under section 232;

(n) an order of surcharge under the rules made under clause (xvii) sub-section (2) of section 309.

Appeals from orders of City Municipal Committee.

266. An appeal shall lie from the following orders passed by a Municipal Committee or the Executive Officer thereof, as the case may be, to the Collector or such other officer not below the rank of Collector as may be empowered by the Government in this behalf, whose decision shall be final:—

(a) an order to fine, reduce, suspend or dismiss any municipal servant under clause (e) of sub-section (3) of section 71 ;

(b) an order granting or refusing permission to erect or re-erect a building under section 150;

(c) an order to alter or demolish a building under section 154;

(d) an order granting or refusing permission to establish a factory, workshop or work-place with reference to section 158 ;

(e) an order requiring proper provision of drains under section 160;

(f) an order requiring alteration of drains and latrines under section 161;

(g) an order requiring the pulling down or otherwise dealing with the building constructed on drains under section 164;

(h) an order requiring the removal, from near supply of a receptacle for filth under section 188;

(i) an order granting or refusing to grant a licence for certain trades and activities under section 202 ;

(j) an order suspending or revoking a licence under sub-section (3) of section 203 ;

(k) an order requiring the discontinuance of trades and activities, etc., under sub-section (4) of section 203;

(l) an order requiring the discontinuance of a nuisance under section 204;

(m) an order granting or refusing to grant a licence for private market with reference to sub-section (2) of section 211;

(n) an order requiring the owner to obtain water from a municipal water works under section 232;

(o) an order of surcharge under the rules made under clause (XVII) sub-section (2) of section 309;

Limitation

267. An appeal under section 265 and 266 shall not be admitted unless it is preferred within thirty days from the date of the order appealed from:

Provided that any appeal preferred under this section or under any other provision of this Act, may be admitted after the period specified, is the appellant satisfies the Appellate Authority that he bad sufficient cause for not preferring the appeal within the said period.

Form of appeal, stay of proceedings, and decision in appeals.

268. (1) Every appeal shall be preferred in the form of a memorandum signed by the appellant or his pleader and presented to the Appeallate Authority. The memorandum shall be accompanied by a copy of the order appealed from.

(2) The memorandum shall setforth, concisely and under distinct heads, the grounds of objections to the order appealed from without any argument or narrative; and such grounds shall be numbered consecutively.

(3) An appeal shall not operate as a stay of proceedings under an order appealed from, except so far as the Appellate Authority may order, nor shall execution of an order be stayed, by reason only of an appeal having been preferred from the order but the Appellate Authority may, for sufficient cause, order the stay of execution of such order.

(4) No order for stay of execution shall be made under sub-section (3) unless the Appellate Authority is satisfied—

(a) that substantial loss may result to the party applying for stay of execution unless the order is made;

(b) that the application has been made without unreasonable delay; and

(c) that security has been given by the applicant for the due performance of such order as may ultimately be binding upon him.

(5) The Appellate Authority may make an exparte order for stay of exceution pending the hearing of the application.

(6) The Appellate Authority, after hearing the parties or their pleaders and referring to any part of the proceedings to which reference may be considered necessary, shall record his decision. Such decision may be for confirming, varying or reversing the order from which the appeal is preferred. The Appellate Authority may, if it thinks fit by order remand the case. It shall have power to make any order which ought to have been made and make such further order as the case may require.

(7) In every appeal the Appellate Authority may award costs at its discretion. Costs awarded to a Committee shall be recoverable by the Committee as though they were Municipal tax due from the appellant. If the Committee fails to pay any costs awarded to an appellant, within thirty days after the date of the order for the payment thereof, the Appellate Authority may order the persons having the custody of the balance of the Municipal Fund to pay the amount.

Revision.

269. (1) The Government may, at any time for the purposes of satisfying itself as to the correctness, legality or propriety of any proceedings of or order passed by the Committee, Collector or any officer subordinate to the Government or Committee acting in exercise of any power or authority conferred by or under this Act, call for and examine the record of any case pending before or disposed of by such officer and may pass such order with reference thereto as it thinks fit:

Provided that, no order shall be reversed unless notice has been given to the parties interested to appear and be heard in support of such order.

CHAPTER XVII.

OFFENCES, PENALTIES AND PROCEDURE.

(1) Contravention of provisions of the Act.

Penalty for evasion of payment of any tax.

270. Whoever deliberately evades, or attempts to evade to the payment, wholly or partly, of any tax which is due from him under this Act, shall be punishable with a fine not exceeding rupees fifty.

Laying out building upon new street without permission.

271. (1) Whoever lays out, makes or builds upon any new street, either without giving the notice as required by sub-section (1) of section 145 without waiting for, or otherwise than in accordance with the instructions issued by the Committee, or in any manner contrary to any provisions of this Act or of any rule or bye-law made thereunder, shall, in addition to any penalty to which he may be liable under section 274, be punishable with fine which may extend to rupees two hundred and fifty.

(2) The Committee may cause any street so laid out or made to be altered, and any building erected in such street (contrary to their directions) to be altered or removed, and the expense thereby incurred shall be recovered by the Committee from the offender as if it were a municipal tax.

Penalty for contravention of the provisions of section 244.

272. Whoever, after an area has been duly allocated for industrial purposes under section 244, erects a factory elsewhere, shall be punishable with fine which may extend to Rupees One thousand and the Committee shall cause any factory thus erected to be removed and the expenses of such removal shall be recovered by the Committee from the offender as if it were a municipal tax.

Improper use of water.

273. Whoever—

(a) in contravention of the provisions of section 230 uses for other than domestic purposes any water supplied by a Committee for domestic use; or

(b) in contravention of the provisions of section 233 uses for any other purpose water supplied by a Committee under an agreement for a specified purpose;

shall be punishable with fine which may extend to rupees fifty, and the committee shall also be entitled to recover from him the price of the water so used.

General section regarding offence.

274. (1) Except as otherwise provided in this Act, whoever—

(a) contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of Part I of the table in schedule H or of any rule or order made thereunder; or

(b) fails to comply with any requsition lawfully made upon him under any of the said sections, sub-

sections or clauses shall be punishable for each of such offences with a fine which may extend to the amount mentioned in that behalf in the second column of the said part.

(2) Whoever after having been convicted of—

(a) contravening any provision of any of the sections, sub-sections or clauses mentioned in the first column of Part II of the table in Schedule H, rule or order made thereunder, or

(b) failing to comply with any requisition lawfully made upon him under any of the said sections, subsections or clauses, continues to contravene the said provision or to neglect to comply with the said requisition or fails to remove or rectify any work or thing done in contravention of the said provision, or fails to vacate any premises, as the case may be,

shall be punished for each day after the first during which the offence is proved to have been persisted in a fifine which may extend to the amount mentioned in that behalf in the second column of the said part.

(2) OTHER OFFENCES AND PENALTIES.

Disobedience of orders not punishable under any other section.

275. Whoever disobeys any lawful directions given by public notice under the powers conferred by this Act or any notice lawfully issued under the powers so conferred, or fails to comply with the conditions subject to which any permission was given to him under these powers, shall if, no penalty for such offence is provided elsewhere in this Act or the rules or bye-laws made thereunder, be punishable with a fine which may extend to fifty rupees, and, in case of continuing breach, with a further fine which may extend to five rupees for each day after the first during which breach is proved to have been persisted in :

Provided that if the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

Disturbing direction-posts and lamps.

276. Whoever, without the authority of the Committee defaces or disturbs any direction-posts or extinguishes any light maintained by the Committee in any street or public place, shall be punishable with a fine which may extended to rupees twenty.

Destroying or defacing names or numbers.

277. Whoever destroys, pulls down or defaces any name or number put up under section 146 by an order of the Committee, or puts up any different name or number, shall be punishable with a fine which may extend to rupees twenty.

Penalty for defacing building, etc.

278. Whoever—

(a) without the consent of the owner or occupier fixes any poster, bill or other paper or means of advertisement against or upon any building, wall board, or fence, or

(b) without such consent as aforesaid, writes upon soils defaces or marks any such building, wall, board, or fence with chalk or paint or in any other way whatsoever,

shall be punishable with a fine which may extend to rupees one hundred.

Depositing or throwing earth, rubbish, etc. on roads or into drains.

279. Whoever, without the written permission of the Committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, refuse, rubbish, or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with a fine which may extend to rupees fifty.

Discharging sewage.

280. Whoever, without the written permission of the Committee, causes or allows the water of any sink, sewer or cesspool or any other offensive matter, to flow, drain or be put upon any street or public place or into any sewer or drain not set apart for the purpose, shall be punishable with a fine which may extend to rupees fifty.

Feeding animals on deleterious substance.

281. Whoever feeds, or allows to be fed on any deleterious substance, filth or refuse of any kind, any animal which is kept for dairy purposes or intended for human consumption, shall be punishable with a fine which may extend to rupees fifty.

Allowing animals to be at large.

282. Whoever wilfully or negligently lets loose any horse or other animal so as to cause, or negligently allows any horse or other animal to cause injury, danger, alarm, or annoyance to any person or obstruct or endanger the the public traffic or cause damage to property, or allows any ferocious dog to be at large without a muzzle, shall

be punishable with a fine which may extend to rupees fifty.

Keeping swine or other animal without permission.

283. Whoever keeps any swine without the written permission of the Committee, or keeps them otherwise than in conformity with the terms of such permission, or keeps any other animal so as to be injurious to the health of the inhabitants or of animals, or so as to become a nuisance, shall be punishable with a fine which may extend to rupeees fifty and with a further fine which may extend to rupees five for every day after the first during which the offence is proved to have been persisted in.

Failure to give information regarding infectious diseases.

284. (1) Every medical practitioner who, in the course of his practice, becomes cognizant of the existence of any infectious disease any dwelling other than a public hospital, and every manager of any factory or public building, every keeper of a sarai, dharmashala, hotel or lodging-house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that any person in any premises under his management, control or occupation is suffering from, or has died of, an infectious disease shall, if the case has not already been reported,. give information thereof with the least practicable delay, to the President, Executive Officer, Health Officer or Sanitary Inspector.

(2) A breach of sub-section (1) shall be punishable with a fine which may extend to rupees fifty.

Explanation.—In this section 'medical practioner' includes a Hakim, Vaidya or Homoepath.

Acts done by persons suffering from certain disorders.

285. Whoever, knowing that he is suffering from any infectious disease—

(a) makes or offers for sale any article or food or drink for human consumption or any medicine or drug, or

(b) wilfully touches any such article, medicine or drug, when exposed for sale by others, or

(c) takes any part in the business of washing or carrying clothes,

shall be punishable with a fine which may extend to rupees twenty.

Possession of article or animals unfit for human consumption or adulterated drug.

286. If any animal, article or drug is brought before a Magistrate under sub-section (3) of section 221, the Magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such a manner as to lessen its efficacy or to change its operation or to render it noxious may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to rupees one hundred:

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee, shall not be liable to a fine under this section.

Flying kites or engaging in any game to cause danger.

287. Whoever flies kites or engages in any game, in such a manner as to cause or to be likely to cause danger or annoyance to persons passing by or working in the neighbourhood or risk or injury to property, shall be punishable with a fine which may extend to rupees twenty.

Dangerous quarrying, blasting, cutting timber, or building.

288. Whoever quarries, blasts, fells trees, cuts timber or carries on building operations in such a manner as to cause, or to be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with a fine which may extend to rupees fifty.

Powers and duties and Police in respect of offences and assistance to authorities.

289. (1) Any Police Officer employed within the limits of the Municipality and, in the absence of a Police Officer, any officer of the Committee empowered in this behalf by the general or special order of the Government, may arrest any person committing in his view any offence punishable under sections 277 and 287—

(a) if the name and address of the person are unknown to him, and

(b) if the person declines to give his name and address or there is reason to doubt the accuracy of the name and address given.

(2) A person arrested under this section may be detained until his name and address, are correctly ascertained :

Provided that if the person has been arrested by an officer of the Committee, the said officer shall hand him over to the Police Officer of the nearest police station:

Provided further that no person so arrested shall be detained longer than is necessary for bringing hem before a Magistrate, unless an order of a Magistrate for his detention is obtained.

Police protection at fairs, etc.

290. The Government may provide for special police protection if in the opinion of the Government, such protection is required on the occasion of any fair, agricultural show or industrial exhibition managed by a Committee or on the occurrence of any epidemic disease.

(3) Procedure relating to Offences.

Cognizance of offences.

291. (1) Unless otherwise expressly provided, no courts shall take cognizance of any offence punishable under this Act or any rule or bye-law made thereunder, except on the complaint of, or upon information received from the Committee or any person authorised by the Committee in this behalf.

(2) The Committee may authorise any person to make complaints or give information, without previous reference to the Committee, either generally in regard to all offences against this Act and any rules or bye-laws made thereunder, or particularly in regard only to specified offences or offences of a special class.

(3) Such person may be authorised by virtue of his office, if he is the President, Vice- President, Executive Officer, Municipal Engineer, Health Officer, or the officer in charge of a police station; in other cases the authority shall be by name. The authority shall in all cases be in writing and may, at any time, be cancelled by the Committee.

Power of the Committee to initiate prosecutions and proceedings.

292. The Committee may direct the prosecution of any person for any public nuisance and may order the proceedings to be taken for the recovery of any penalty and for the punishment of any person offending against the provisions of this Act, or of any rules or bye-laws made thereunder.

Limitation for prosecutions.

293. No prosecution for an offence under this Act or any rule or bye-law made thereunder shall be instituted except within three months next after the commission of such offence.

Power to compound offences.

294. (1) The Committee or with the authorisation of the Committee, its President, or any other officer empowered in this behalf, by the committee may compound,

except electoral offences, any offence against this Act or any rule, bye-law made thereunder which, under the the law for the time being in force, may legally be compounded.

(2) On the payment of the amount by way of composition, no further proceedings shall be taken in regard to the offence or alleged offence so compounded.

(3) Authorisation under sub-section (1) to accept composition for alleged offence may be given by the Committee either generally in regard to all offence under this Act and the rules and bye-laws made thereunder or particularly in regard only to specified offences of a specified class, and may, at any time, be withdrawn by the Committee.

(4) Electoral Offences.

Punishment for offences of preparing false list of voters or making false entries in the list of voters.

295. Any officer or servant who knowingly prepares or makes an entry in the list of persons qualified to be registered in the list of voters which is incorrect or false shall on conviction be punishable with imprisonment of either description which may extend to six months or with fine which may extend to rupees five hundred.

Prohibition of public meetings on the election day.

296. (1) No person shall convene, hold or attend any public meeting, within any constituency on the date or dates on which a poll is taken for an election in that constituency.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with a fine which may extend to rupees two hundred and fifty.

Disturbances at election meetings.

297. (1) Any person who at a public meeting to which this section applies, acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with fine which may extend to rupees two hundred and fifty.

(2) This section applies to any public meeting of a political charcter held in any constituency between the date of the issue of a notification under this Act calling upon the constituency to elect a member or members and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1),

he may, if requested so to do by the Chairman of the meeting, require that person to declare to him immediately his name and address, and if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

Maintenance of secrecy of voting.

298. (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

Person at elections not to act for candidates or to influence voting.

299. (1) No person who is a Returning Officer, or an Assistant Returning Officer, or a **PRESIDING** or **POLLING OFFICER** at an election, or an officer or clerk appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election shall, in the conduct or the management of the election, do any act (other than the giving of vote) for the furtherence of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour—

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

Prohibition of canvassing in or near polling stations.

300. (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely :—

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any elector not to vote for any particular candidate; or

(d) persuading any elector not to vote at the election; or

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with a fine which may extend to rupees two hundred and fifty.

(3) An offence punishable under this section shall be cognizable.

Penalty for disorderly conduct in or near polling station.

301. (1) No person shall, on the date or dates, on which a poll is taken at any polling station,—

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any appartus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

Penalty for misconduct at the polling station.

302. (1) Any person who during the hours fixed for their poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to present any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

Penalty for illegal hiring or procuring of conveyances at elections.

303. If any person is guilty of any such corrupt practice, as is specified in clause (vi) of sub-section (1) of section 22 at or in connection with an election, he shall be punishable with a fine which may extend to rupees two hundred and fifty.

Removal of ballot papers from polling station to be an offence.

304. (1) Any person who at any election fraudulently takes or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with a fine which may extend to rupees five hundred or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed, an offence punishable under sub-section (1), such officer may before such person leaves the polling station arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer :

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

Breach of official duty in connection with elections.

305. (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with a fine which may extend to rupees five hundred.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the Collector, Returning Officers, Assistant Returning Officers, Presiding Officers, Polling Officers and any other person appointed to perform any duty in connection with the preparation of the list of voters, the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election and the expression "official duty" shall for the purpose of this section be construed accordingly but shall not include duties imposed otherwise than by or under this Act or the rules thereunder.

Other offences and penalties therefor.

306. (1) A person shall be guilty of an electoral offence if at any election he—

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice of other document affixed by or under the authority of a Returning Officer; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelop used in connection with voting by postal ballot; or

(d) without due authority supplies any ballot paper to any person; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall—

(a) if he is a Returning Officer or an Assistant Returning Officer or a Presiding Officer at a polling station or any other officer or clerk employed on official duty in connection with the election be punishable with imprisonment for a term which may extend to two years or with fine or with both ;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act or the rules thereunder.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

Prosecution regarding certain offences.

307. (1) If the Government has reason to believe that an offence punishable under sections 295, 299, 305 or under clause (a) of sub-section (2) of section 306 has been committed with reference to any election by a Returning Officer, Assistant Returning Officer or a Presiding or Polling Officer it shall be the duty of the Government to cause such enquiries to be made and such prosecution to be instituted as the circumstances of the case may require.

(2) No court shall take cognizance of any offence punishable under sections 295, 299, 305 or under clause (a) of sub-section (2) of section 306 unless there is complaint made by the order of or under authority from the Government.

CHAPTER XVIII.

Rules and bye-laws.

General provisions regarding rules.

308. (1) All rules for which provision is made in this Act shall be made by the Government and shall be laid before the Legislative Assembly.

(2) Such rules may be general for all Committees or may be special for the whole or any part of the area sub-

ject to the jurisdiction of any one or more Committees, as the Government may direct.

(3) All rules shall be subject to previous publication.

(4) In making any such rules, the Government may direct that a breach thereof shall be punishable with a fine which may extend to rupees two hundred and where the breach is a continuing one, with a further fine, which may extend to rupees five for every day after the first, during which the breach is proved to have been persisted in.

Matters as to which rules may be made.

309. (1) In addition to any power specially conferred by this Act, the Government may make rules generally for the purpose of carrying into effect all or any provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules with regard to—

(i) the delimitation of constituencies under section 9, the preparation and publication of list of voters under sections 12 and 13, the mode, time and conduct of election of members under section 16, the filling up of casual vacancies under section 38, the lodging of return of election expenses, with reference to clause (j) of sub-section (1) or section 27 and the election of President and Vice-President under section 35,

(ii) the decision of doubts and disputes relating to the election of President, Vice-President and members by the Election Tribunal under sections 24 and 30, the evidence to be admitted, the procedure to be followed, the powers to be exercised by such Tribunal, in making enquiries, including power to indemnify witnesses against civil or criminal proceedings and to enforce orders made in such enquiries,

(iii) the cases in which the disability of persons found guilty of corrupt or illegal practice at an election held under this Act may be removed,

(iv) the moving of a no-confidence motion against the President or the Vice-President under clause (c) of section 36,

(v) the formation, constitution, procedure and term of office of members of Sub-Committees and the dele-

gation to Sub-Committees of powers, duties and functions with reference to section 39,

(vi) the powers and functions of the President, with reference to section 41,

(vii) the appointment, conditions of service, etc., of officers and servants under section 65,

(viii) the appointment, conditions of service, etc., of officers and servants under section 66,

(ix) the appointment of technical and inspecting officers and their estabilshment, their duties, powers and conditions of service, the procedure to be followed for paying salaries and allowances to them and their establishment and the apportionment of expenses attending the appointment and entertainment of such officer and their establishment and other charges pertaining thereto or arising therefrom, with reference to section 67,

(x) the duties and powers of Executive Officer with reference to section 71,

(xi) the conduct of business in meeting of the Committee and interpellation of the President by the Members under Chapter IV,

(xii) the independent authority which the Committee may exercise in respect of public institutions, maintained out of its fund, with reference to section 75.

(xiii) the powers of the Committee to compromise any suit instituted by or against the Committee or any claim or demand with reference to section 85,

(xiv) the duties and discretionary powers of a Committee with reference to sections 86 and 87,

(xv) the meeting of expenditure from the Municipal Fund with reference to section 88,

(xvi) the preparation, form and items of annual estimates of income and expenditure and the date of submission of budget estimates, with reference to sections 92 and 93,

(xvii) the acounts to be kept and statement to be submitted and the audit of such accounts under section 94 and in particular regarding—

(a) financial powers of Committee and its officers,

(b) The appointment, payment and powers of Municipal fund auditors,

(c) the authorities to whom such auditors shall be subject.

(d) the manner of audit and the way in which audit reports are to be disposed of,

(e) the surcharging upon the Committee or upon all or any of its members or its officers and servants or other persons, for any improper expenditure of the Committee's funds or any loss or waste of the Committee's funds or resources caused by negligence, impropriety or dishonesty,

(f) the prefering of appeals or other remedies against surcharge orders,

(g) the power of the Committee and its President and the other authorities to accord administrative sanction and of Municipal Engineers of all grades to accord technical sanction to estimates of municipal works,

(h) the manner in which estimates are to be prepared, works executed and paid for,

(i) the payment of bills and charges generally,

(j) the fixation of instalments of arrears of such sums due to Committees and writing off of such sums as irrecoverable,

(k) the power to reappropriate within the Budget Estimates,

(l) the control which may be exercised over Committees in respect of financial matters generally and the authorities who may exercise such control,

(xviii) the assessment, levy and collection of taxes specified under section 96, and for preventing evasion of assessment and payment, for the payment of lumpsums in composition and for fixing the fee payable for notices of demand and warrant,

(xix) the commutation of toll under section 107,

(xx) levy and collection of fees under section 122,

(xxi) the refund of any tax with reference to section 134,

(xxii) writing off the amount of tax, fees or other sums with reference to section 135,

(xxiii) the discontinuance or closure of public streets and temporary occupation of any street or land vesting in the Committee, with reference to section 138,

(xxiv) the particulars to be furnished by the per-

son laying out or making any new street with reference to section 145.

(xxv) (a) the manner in which notice of the intention to erect or re-erect a building shall be given to and disposed of by the Committee, and the delegation of the Committee's powers,

(b) the submission of site plan of the land on which it is intended to erect or re-erect such building and a plan and a specification of the building,

(c) the materials and method of construction to be used for external and common walls, roofs, drains, floors, fire-places, chimneys, latrines, privies, urinals and cesspools and the position of such fire-places, chimneys, drains, latrines, privies, urinals and cesspools,

(d) the free passage or way in front of the building,

(e) the level and width of foundation, the level of lowest floor and the stability of the structure,

(f) the height and slope of the roof above the uppermost floor upon which human beings are to live or where cooking operations are to be carried on,

(g) the ventilation and the space to be left about the building, to secure the free circulation of air and for the prevention of fire.

(h) the line of frontage where the building abuts on a street.

(i) the number and heights of the storeys which the building may consist of,

(j) the submission of documents, plans, etc., with reference to section 150.

(xxvi) the qualification of surveyors and architectural draftsmen or persons by whom plans required under section 150 are to be prepared, and of plumbers, for licensing persons to be surveyors or plumbers, for fixing the fees payable for such licences and the conditions on which the licences may be granted, and for prohibiting any alterations or repairs of fittings to water or drainage pipes or house connections being made except by plumbers so licensed,

(xxvii) the licensing of places for the disposal of the dead under section 208,

(xxviii) the regulation of public and private markets under sections 210 and 211 and collection of charitable funds, and subscription in such markets,

(xxix) the conditions for issuing licences with reference to section 211 and the fees which may be charged therefor,

(xxx) water supply by means of communcation pipes with reference to sections 230 and 232,

(xxxi) the power of suppression of fire under section 239,

(xxxii) the regulation of the lay-out, improvement and development of towns and the manner in which a master plan, or town development or a local layout shall be sanctioned by the Government under sections 244, and in particular regarding—

(a) the authority by whom master plan or town deelopment plan or a local layout shall be made and executed and the control which such authority may exercise over the Committee, its officers and subordinates with reference to section 250,

(b) the localities in the area concerned, which shall be notified as reserved for residential, factory or other purposes,

(c)the prohibitions, restrictions, limitations and conditions entailed by a notification under section 244 on existing houses, factories, trades, business and other things,

(d) the sanitary principles and building regulations to be observed in drawing up plans and lay-outs,

(e) regulating the erection or re-erection of buildings along main and by-pass roads used for through traffic in or adjoining the area concerned,

(f) restriction of buildings in the interests of the safety of aircraft using any aerodrome in or adjacent to the area within the limits of the municipality,

(g) streets or roads and improvements thereto provided in a plan or layout which shall be made or carried out at the expense of the Committee, the owners of the property or both,

(h) the levy of betterment contributions by the Committee or other authority carrying out any master plan, or town development plan or local lay-out

from the owner of any property, the value of which has increased or is likely to increase by reason of the making of such plan or lay-out,

(i) the manner in which the expenses attendant upon the making or execution of master plan or town development plan or local lay-out and the profits accruing therefrom shall be apportioned between the local authorities concerned or between them and the Government,

(j) the regulation of the manner in, and the extent to which all documents and plans prepared under these rules shall be made accessible to the public,

(xxxiii) where the supply of water in a Municipality is derived from a reservoir situated beyond the municipal limits,

(a) prohibiting doing in the reservoir, or in its vicinity or in or upon the catchment area thereof, of any act by which the quality or purity of the water or the safety of the reservoir may be impaired,

(b) regulating generally the conservancy of the reservoir and of the catchment area, and

(c) determining the compensation, if any, to be paid by the Committee to any person affected by a rule made under sub-clauses (a) or (b),

(xxxiv) for the supervision, regulation and protection, from pollution of public cisterns, water-standards, wells, tanks, springs, and other sources from which water is or may be made available, and where water is supplied from a public source to any private premises, for regulating and controlling such supply.

(xxxv) the regulation of relations between committees and other local authorities, with references to sub-section (4) of section 40,

(xxxvi) the procedure to be followed in correspondence between Government and the Committee.

(xxxvii) the guidance of the officials of Government and the Committee in all matters connected with the administration of this Act and for settling their mutual relations,

(xxxviii) the manner of publication of bye-laws made by a Committee under section 310,

(xxxix) any other matter which may be prescribed under this Act.

(2) BYE-LAWS.

General provisions regarding bye-laws.

310. (1) All-bye-laws for which provision is made in this Act, shall be made by the Committee at a special meeting.

(2) A bye-law may be general for the whole area under the jurisdiction of the Committee or special for any part of such area as the Committee may direct.

(3) No bye-law shall take effect until it has been confirmed by the Government.

(4) No bye-law shall take effect until it has been published in the manner prescribed.

(5) In making any bye-law the Committee may direct that a breach thereof shall be punishable with a fine which may extend to rupees one hundred, and, where the breach is continuing one, with a further fine which may extend to rupees five for every day after the first, during which the breach is proved to have been persisted in.

Matters for which bye-laws may be made.

311. In addition to any powers specially conferred by this Act, the Committee may make bye-laws,

(a) for regulating the proceedings of joint committees,

(b) where the imposition of toll under section 107 has been sanctioned, for fixing the limits for the purposes of such tax, and for specifying the routes by which animals or vehicles which are subject to such tax may enter the Municipality,

(c) for regulating the beating of drums and the sounding of musical instruments,

(d) for protecting from damage or interference any property vested in the Committee or under the control or management of the Committee,

(e) for inspecting and regulating the use of encamping grounds, halting places, pounds, sarais, markets, slaughter-houses, places for the disposal of dead animals, and any places of public entertainment and resort,

(f) for controlling and regulating the use and management of burial and cremating grounds, and for prohibiting the burial or cremating of corpses in places other than burial or cremating grounds,

(g) for prescribing the means by which the owner or occupier of any place which is a factory within the meaning of the Factories Act, 1948 (LXIII of 1948), shall provide for consumption of the smoke of any chimney or furnace so as to prevent the smoke from being a nuisance to any person in the neighbourhood.

(h) for licensing proprietors or drivers of vehicles, other than motor vehicles, boats other than those mechanically propelled, or animals plying for hire within the limits of the Municipality and fixing the fees payable for such licences and the conditions on which they are to be granted and may be revoked,

(i) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance or of animals hired to carry loads where those conveyances, animals or persons are hired within the Municipality for a period not exceeding twenty-four hours or for a service which would ordinarily be performed within twenty-four hours,

(j) for securing information relating to the registration of births and deaths,

(k) for regulating buildings let as lodgings or occupied by more than one family,

(l) for controlling and regulating the duties of sweepers and other persons employed by the Committee for the clearing of drains and the removal and disposal of sewage and filth,

(m) for the regulation and control of the nature, pattern and design of the drains, ventilation shafts, pipes, water closets, privies, urinals, cess-pools and fitting and works in connection therewith, and the regulation of their construction, alteration, maintenance, preservation, cleaning and repairs,

(n) for the regulation or prohibition of discharge into drains of sewage, sullage, polluted water and other offensive or obstructive matter from private buildings and lands.

(o) for the regulation or prohibition of the construction of buildings or other structure over drains and for their alteration or removal,

(p) for regulating or prohibiting the keeping of animals of any specified description,

(q) for regulating and prohibiting the stationing of carts or keeping of animals on any ground under

the control of the Committee or the using of such ground as a halting place of vehicles or animals or place for encampment or the causing or permitting of any animal to stray,

(r) for regulating or prohibiting any particular description of traffic in the streets,

(s) for regulating the potsings of bills and advertisements, and the position, size, shape and style of name-boards, sign-boards and sign-posts,

(t) for providing for the registration of all or any specified classes of dogs,

(u) for the seizure and confiscation of ownerless stray animals and,

(v) generally for carrying out the purposes of this Act.

Power to make bye-laws as to sale of articles intended for human consumption and drugs.

312. The Committee may also make bye-laws—

(a) to regulate the manufacture, sale or exposure for sale of any specified articles intended for human consumption or drugs, either by the issue of licences necessary or otherwise,

(b) to regulate the hours and manner of transport within the Municipality of such specified articles or drugs,

(c) to fix the places in which such specified articles or drugs may or may not be sold or exposed for sale,

(d) to prohibit the sale of the flesh or animals not slaughtered at a place fixed or in accordance with a licence granted, under clause (c) of section 209,

(e) to regulate the sanitary conditions of bakeries, aerated water factories, ice factories, dairies and places where milch animals are kept for profit and,

(f) to prescribe the conditions on which licences under this Act may be granted or revoked:

Provided that no person shall be punishable for the breach of any bye-law made under clause (a) or (c) by reason of continuance of such manufacture, sale or exposure for sale upon any premises which are at the time of the making of such bye-law used for such purpose and have been so used for a period of not less than one year, until has has received from the Committee six months' notice to discontinue such manufacture, sale or exposure for sale in such premises.

CHAPTER XIX.

MISCELLANEOUS.

Mode of proof of Municipal record.

313. A copy of any receipt, application, plan, notice, order or entry in a register or other document in the possession of a Committee shall, if duly certified by the legal keeper thereof, or the person authorised by any bye-law in this behalf, be received as **prima facie** evidence of the existence of the entry or document, and shall be admitted as evidence of the matters and transactions there in record in every case, where, and to the same extent, as the original entry or document would if produced have been admissible to prove such matters.

Restriction on summoning Municipal servants to produce documents.

314. No officer or servant of the Committee shall, in any legal proceeding to which a Committee is not a party, be required to produce any register or document, the contents of which can be proved under the preceding section by a certified copy of the transactions recorded therein unless by order of a court.

Powers and duties of Police in respect of offences and assistance to authorities.

315. Every Police Officer within the limits of Munipality shall give immediate information to the Committee of any offence committed against this Act or the rules or bye-laws made thereunder and shall be bound to assist the Committee in the exercise of their lawful authority.

Effect of this Act upon the Hyderabad Cattle Trespass Act.

316. Notwithstanding anything contained in the Hyderabad Cattle Trespass Act, 1337 Fasli (V of 1337 Fasli)—

(a) the powers of the High Court and the Court of Sessions under sub-section (3) of section 26 of the said Act shall be exercisable only in respect of cases under Chapters IV and V of the said Act, and in respect of all other cases under the said Act the said powers shall be vested in the Committee;

(b) in respect of Pounds under the control or management of a Committee, the High Court shall have no powers under sub-section (4) of section 26 of the said Act and the Government may authorise any person or persons to exercise such of those powers as may be prescribed and may at any time withdraw those powers;

(c) the powers, which the High Court would otherwise exercise under section 27 of the said Act shall not be exercised by that court and the said powers shall be exercisable by the Government.

Delegation of powers of the Government.

317. The Government may by notification delegate any of its powers under this Act, except the powers to make rules to any authority, which it may deem fit or to the committee.

Control of Revenue Officers.

318. In all matters connected with this Act or the rules made thereunder, unless it is otherwise provided therein, the Government shall have and exercise over the Collectors and the Deputy Collectors and the Collectors and the Deputy Collectors shall have and exercise over the officers subordinate to them, the same authority and control as they respectively have and exercise over them in general and Revenue Administration.

Delegation of Committee's powers.

319. (1) Except the powers to make bye-laws under sections 311 and 312 and the powers delegated under section 317, the Committee may delegate all or any of its powers, under this Act to the President, Executive Officer, sub-committee, or any other officer or servant of the Committee:

Provided that the President, Executive Officer or any officer or servant of the Committee to whom powers have been so delegated shall not redelegate the said powers to any other person or authority.

(2) The Committee may at any time withdraw the powers delegated under sub-section (1).

Repeal and Savings.

320. (1) The Hyderabad Municipal and Town Committees Act, 1951 (XXVII of 1951), the Hyderabad Sanitary Powers A'in, 1352 Fasli, (V of 1352 F.) and the Hyderabad Municipal Corporation and Town Committees' (Election) Act, 1951 (XXXVI of 1951), are hereby repealed; provided that:—

(a) any Committee constituted under the enactment so repealed (hereinafter referred to in this section as the said Committee) shall be deemed to have been constituted under this Act, and Members of the said Committee shall continue to hold office till the first meeting of the Committee is called under section 35;

(b) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulation, bye-law or form made, published, issued, imposed or or granted or deemed to have been made, issued, published, imposed or granted under the said enactments and still in force shall so far as it is not inconsistant

with this Act be deemed to have been respectively made, published, issued, imposed and granted under this Act;

(c) all debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the said Committee, before this Act comes into force, shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Committee constituted under this Act;

(d) all taxes and sums of money due to the said Committee when this Act comes into force shall be deemed to be due to the Committee under this Act;

(e) all suits and other legal proceedings Civil or Criminal instituted or which might but for the passing of this Act have been instituted by or against the said Committee may be continued or instituted as if this Act had not been passed.

(2) Nothing contained in this Act shall affect the Local Authorities Loans A'in 1352 Fasli (I of 1352 Fasli).

SCHEDULE A.

(See Section 104).

Class	Half Yearly Income			Maximum Half yearly tax.
I.	More than Rs. 15,000			125 0 0
II.	,, 12,000	but not more than	15,000	100 0 0
III.	,, 9,000	,,	12,000	75 0 0
IV.	,, 6,000	,,	9,000	50 0 0
V.	,, 4,800	,,	6,000	37 0 0
VI.	,, 3,000	,,	4,800	18 0 0
VII.	,, 1,800	,,	3,000	9 0 0
VIII.	,, 1,200	,,	1,800	6 0 0
IX.	,, 600	,,	1,200	3 0 0

SCHEDULE B.
(See Section 105).

Minimum and Maximum rates of Vehicles and animal tax per annum.

			Minimum.				Maximum.		
			Rs.	a.	p.		Rs.	a.	p.
1.	Six wheeled motor lorry Truck or Bus.	1. Private	60	0	0	Private	200	0	0
		2. Taxi	75	0	0	Taxi	250	0	0
2.	Four wheeled motor lorry Truck or Bus ..	1. Private	50	0	0	Private	150	0	0
		2. Taxi	65	0	0	Taxi	175	0	0
3.	R. T. D. Bus (double decker) ..		246	0	0		300	0	0
4.	R. T. D. Bus (Single decker) ..		109	0	0		150	0	0
5.	Motor Car ..	1. Private	25	0	0	Private	50	0	0
		2. Taxi	36	0	0	Taxi	70	0	0
6.	Four wheeled animal drawn vehicle.	1. Private	4	0	0	Private	30	0	0
		2. Taxi	8	0	0	Taxi	50	0	0
7.	Two wheeled animal drawn vehicle.	1. Private	2	0	0	Private	12	0	0
		2. Taxi	4	0	0	Taxi	25	0	0
8.	Bicycle or Tricycle ..	1. Private	2	0	0	Private	6	0	0
		2. Taxi	4	0	0	TTaxi	8	0	4
9.	Motor Cycle ..	1. Private	4	0	0	Private	16	0	0
		2. Taxi	4	0	0	Taxi	20	0	0
10.	Auto Rickshaw ..	1. Private	10	0	0	Private	30	0	0
		2. Taxi	20	0	0	Taxi	45	0	0
11.	Cycle Rickshaw.	1. Private	6	0	0	Private	10	0	0
		2. Taxi	12	0	0	Taxi	20	0	0
12.	Elephant ..		16	0	0		40	0	0
13.	Dog		1	0	0		2	0	0
14.	Horse used for riding, driving, draught or burden ..		1	0	0		6	0	0
15.	Pony, Mule, used for riding, driving, draught or burden.		0	8	0		4	0	0
16.	Donkey		0	8	0		1	0	0
17.	Buffalo and bullock used for riding, driving, draught or burden ..		0	8	0		4	0	0
18.	Boat		8	0	0		28	0	0

SCHEDULE C.

(See Section 107).

Minimum and Maximum Rates of Toll.

		Minimum			Maximum		
		Rs.	a.	p.	Rs.	a.	p.
1.	Six wheeled motor bus truck or lorry ..	2	0	0	6	0	0
2.	Four wheeled bus truck or lorry ..	1	8	0	4	8	0
3.	Motor Car	0	8	0	1	8	0
4.	Motor Cycle	0	4	0	0	6	0
5.	Auto Rickshaw	0	6	0	1	0	0
6.	Bicycle or Trycycle	0	2	0	0	3	0
7.	Cycle Rickshaw	0	3	0	0	6	0
8.	Four wheeled animal drawn vehicle ..	0	8	0	1	8	0
9.	Two wheeled animal drawn vehicle ..	0	4	0	0	8	0
10.	Three or four wheeled thela	0	2	0	0	4	0
11.	Elephant	0	4	0	1	0	0
12.	Every animal used for driving, draught or burden	0	1	0	0	4	0

SCHEDULE D.

(See Section 109).

Article liable to payment of Octroi.

Articles	Maximum rates of Octroi leviable.
Grain of all sorts	2 annas per maund.
Flour of all sorts	75 per cent of the rate for the time being levied on the grain from which the flour is prepared.
Wines and sipirits	1 rupee per imperial gallon.
Beer	2 annas per imperial gallon.
Sugar, molasses and gur	12 annas per cwt.
Ghee	1 rupee per quarter.
Ghee substitutes (of whatever composition) which are not pure ghee but which resemble pure ghee and are capable of being used as substitutes for pure ghee, including hydrogenated vegetable oil.....	1 rupee per quarter.
Timber, exclusive of railway sleepers	3 per cent of its market value.
Plywood or any other kind of wood prepared by artificial process	3 per cent of its market value.
Firewood	9 annas per ton.
Charcoal	1 rupee per ton.
Tea	0 0 6 per lb.
Coal	0 7 0 per ton.
Dates (dry)	0 12 0 per cwt.

SCHEDULE D (Contd.).

Articles	Maximum Rates of Octroi leviable.
Dates (wet)	0 8 0 per cwt.
Cement	1 0 0 per ton.
Lime stones (Shahbad stones)	1 0 0 per 100 Sq. feet.
Iron and Steel	2 8 0 per ton.
Paper :—	
(a) For cards or other like purposes	1 0 0 per cwt.
(b) Strawboards	0 3 0 per cwt.
Edible :—	
(a) Bacon and Ham (b) Table Butter .. .. (c) Butter other than table butter .. .. .. (d) Fruits (canned, tinned, bottled boxed or cartoned) .. .. (e) Fish (canned, tinned, botled boxed or cartoned). .. .. (f) Chese .. .. (g) Confectionery .. .. (h) Jams and Jellies .. .. (i) Milk condensed and preserved .. .. (j) All sorts of farinaceous foods	6½ **ad valorem.**

SCHEDULE D (Contd.).

Articles	Maximum Rates of Octroi leviable
(k) Pickles	**6½ ad valorem.**
(l) Cocoa and Chocolates ..	
(m) Biscuits and Cakes ..	
(n) Lard	
(o) Fruit juices and all beverages	
(p) All kinds of food and drink not specifically provided for (canned, tinned, bottled, boxed or cartoned)	
(q) Whole milk powder ..	
(r) Skimmed milk power ..	
(s) Mawa and milk cream ..	

SCHEDULE E.

(See Section 114).

Where the payment for admission excluding the amount of entertainment Tax:	
(i) does not exceed four rupees	Not less than twelve and half per cent and not more than fourteen and half per cent on payment for admission.
(ii) exceeds for rupees but does not exceed ten rupees ..	Not less than fifteen per cent and not more than twenty per cent on payments for admission.
(iii) exceeds ten rupees ..	Twenty-five per cent on payment for admission.

SCHEDULE F.

FORM I.

Notice of Demand.

[See Section 126 (3)].

To

.....
residing at .....

Take notice that the Executive Officer, City|Town Municipality of .....demands from .....
the sum of.....due on account of.....

(Here give particulars of the tax and the property or other subject in respect of which the tax is leviable).

.....for the period of.....
commencing on.....day of.....19 , and ending on.....
day of..... 19 , and that if, within fifteen days from the service of this notice, the said sum is not paid into the Municipal Office at..... and sufficient cause for non-payment of the sum is not shown to the satisfaction of the Executive Officer, a warrant of distress will be issued for the recovery of the same with costs.

Dated this.....day of.....19 .

(EXECUTIVE OFFICER)

SCHEDULE F.

FOFM II.

FORM OF WARRANT.

[See Section 126 (4)].

To

.....

(here insert the name of the Officer charged with the execution of the Warrant).

Whereas Shri/Snrimati..... ..... of.....has not paid, or shown satisfactory cause for the non-payment of the sum of Rs. as. ps. due on account of the tax mentioned in the margin for the period of.....commencing from .....day of.....19 , and ending on the day of.....19 .....and whereas fifteen days have elapsed since the service on him/her of the notice of demand for the same :

This is to command you to distrain subject to the provisions of section 111 the goods and chattels of the said Shri/Shrimati..... or as the case may be, any goods and chattels on the premises in respect of which the said tax being the amount due from him/her as follows :

	Rs.	As.	Ps.
On account of the said tax (for issue of warrant) and			

such further sum as may be sufficient to defray the cost of recovering the said amount, and forthwith to certify to me, together with this warrant, all particulars of the goods seized by thereunder.

Dated.....day of.....19 .

(EXECUTIVE OFFICER)

SCHEDULE 'F'—(Contd.)

FORM III.

Form of Inventory and Notice.

[See Section 126 (8) (d)].

To

.....

.....

residing at .....

Take notice that I have this day distrained..... for the value of Rs. .....due for the tax mentioned in the margin for the period commencing from day of.....19 , and ending on the.....due for the service of notice of demand and Rs.....due for the issue of warrant and that unless, within five days from the date of this notice, you pay into the Municipal Office at..... said amount, together with the costs of recovery, the said goods and chattels will be sold.

Dated this.....day of..... .....19 .

Signature of Officer,
Executing the warrant

(INVENTORY).

(Here state particulars of goods and chattels seized)

SCHEDULE 'G'

Purposes for which premises may not be used without a licence.

(See Section 202)

(a) Washing soiled clothes and keeping soiled clothes for the purposes of washing them, and washed clothes.

(b) Boiling paddy or camphor.

(c) Melting tallow or sulphur.

(d) Storing or otherwise dealing with manure, offal, blood, bones, rags, hides, fish, horns or skins.

(e) Washing or drying wool or hair.

(f) Making fish-oil.

(g) Making soap, dyeing, boiling or pressing-oil, burning bricks, tiles, pottery or lime.

(h) Manufacturing or distilling sago, manufacturing artificial manure, manufacturing beedies or cigars.

(i) Manufacturing gun-powder or fire-works.

(j) Keeping a public halting place, choultry or other rest-house for travellers (other than a choultry or rest-house maintained by the Government or a local authority), a hotel, restaurant, eating-house, coffee-house, or lodging-house (other that a students' hostel under the control of public or any other body registered under the law for the time being).

(k) Keeping a shaving or hair-dressing saloon.

(l) Keeping twenty or more sheep and|or goats or ten or more pigs and|or head of cattle.

(m) Preparing flour or articles made of flour for human consumption or sweetmeats.

(n) Manufacturing ice or aerated waters.

(o) Brewing beer, manufacturing arrack or other spirit containing alcohol (whether denatured or not) by distillation.

(p) selling or storing timber, firewood, thatching materials, ha, grass, straw, fibre, coal or charcoal :

Provided that no license shall be required for the storage of timber, firewood, thatching materials, hay, grass, straw, fibre or coal or for boiling paddy when such storage or boiling is for private use.

(2) Selling wholesale or retail or storing for wholesale or retail trade or for purposes other than private or domestic use, grain, groundnut, tamarind, chillies, jaggery, pulse, flour, bran, oil-cake or agricultural produce which is likely to attract rats.

(q) Manufacturing jaggery, sugar-candy or syrup.

(r) Storing any explosive or combustible materials.

(s) Selling cotton wholesale or retail or storing cotton for wholesale or retail trade or for conversion into yarn.

(t) Manufacturing anything from which offensive or unwholesome smells arise.

(u) Using for any industrial purpose any fuel or machinery other than such machinery as may, by notification, be exempted by the Government from time to time.

(v) In general, doing in the course of any industrial process anything which is likely to be dangerous to human life or health property :—

SCHEDULE II.

Table of Penalties.

PART I.

[See Section 274 (1)].

Sections, sub-sections and clauses.	Fine which may be imposed
123	One hundred rupees.
143	Fifty Rupees.
144 (1)	Fifty Rupees.
169 (1)	Fifty Rupees.
177 (1)	Ten Rupees.
178	Fifty Rupees.
188	Twenty Rupees.
197	Fifty Rupees.
199	Two Hundred Rupees.
200	Five Hundred Rupees.
202	Fifty Rupees.
204	Two Hundred Rupees.
205	Fifty Rupees.
206	Fifty Rupees.
225 (1) and (2)	Fifty Rupees.
249	One hundred rupees.

PART II.

Penalty for continuing breaches.

[See Section 274 (2)].

Sections, sub-sections and clauses	Fines which may be imposed.
188 ..	.. Further fine of Rs. five daily.
197 ..	.. Further fine of Rs. five daily.
202 ..	.. Further fine of Rs. ten daily.
204 ..	.. Further fine of Rs. forty daily.
205 ..	.. Further fine of Rs. ten daily.
206 ..	.. Further fine of Rs. five daily.
225 (1) and (2) ..	.. Further fine of Rs. five daily.
301 ..	.. Further fine of Rs. fifteen daily.